

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
SEPTEMBER 11, 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
Scott Allman, 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 August 28, 2019 meeting minutes as presented.

Oaths

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

Amanda Bonin, Code Compliance Inspector, asked if they could skip to item 17 as there was a member of the public present for the case.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 19-847

Respondent: OR-EL 18 LLC

Business Filings Incorporated

Address of Violation: 3741 Clyde Morris Blvd., Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 6/5/2019

Compliance: No

Cited for violation(s) - Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 14-314. - Landscaping and buffers - Maintenance criteria. (a) Approved landscape plans (1) Trees (2) Shrubs (3) Lawns (d)

(2) (5) (7) Required maintenance and anticipated growth and coverage.

Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 14-315. - Same - Replacement criteria. (a) Landscape plantings (b) Buffer plantings (1) (2) (3).

Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 14-318. -Other property improvements; maintenance criteria. (d) Trash, litter and debris.

Ms. Bonin 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 replacing all dead, missing, and dying plants, shrubs, and trees, weeding, mulching, and re-defining all landscape beds and hedgerows, cleaning up and removing all trash and debris, and repairing and ensuring the irrigation is in proper working order.

Ms. Bonin recommended the property owners be found in repeat violation of the above referenced codes with the violations to be corrected immediately by replacing all dead, missing, and dying plants, shrubs, and trees, weeding, mulching, and re-defining all landscape beds and hedgerows, cleaning up and removing all trash and debris, and repairing and ensuring the irrigation is in proper working order. 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 June 5, 2019, the day the property was found in violation. 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.

Deborah Pearson, Code Compliance Manager, was sworn in by Special Magistrate Fuller and testified to the amount of times Code Enforcement has been called on this property and the waste of time and resources resulting from repeatedly citing them.

Special Magistrate Fuller granted the recommendation with an amendment. The property owner is to replace all dead, missing, and dying plants, shrubs, and trees, weed, mulch, and re-define all landscape beds and hedgerows in compliance with the approved landscape plan, clean up and remove all trash and debris, and repair and ensure the irrigation is in proper working order. A daily fine in the amount of \$ 500.00 per day beginning June 5, 2019 and continuing until the property is brought into compliance shall be imposed. Costs in the amount of \$56.20 were awarded to the City.

4. CEB Case No.: 19-1108

Respondent: Herbert Schubert Jr.

Address of Violation: 408 Nancy Street, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 7/26/2019

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 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.

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 immediately, as it is a repeat violation, by mowing the entire property of all high weeds and grass, edging, weed-eating and blowing all yard debris back onto the property, cleaning up and removing all trash, debris and junk, and properly storing all outside stored items inside an enclosed building or removing them from the property. All vehicles were to be properly tagged and registered, parked in the driveway or in a carport, stored in an enclosed building or covered with an approved car cover or removed from the property.

Mr. Boehmer recommended the property owners be found in repeat violation of the above referenced code with the violations to be corrected by September 21, 2019 by mowing the entire property of all high weeds and grass, edging, weed-eating and blowing all yard debris back onto the property, cleaning up and removing all trash, debris and junk, and properly storing all outside stored items inside an enclosed building or removing them from the property. All vehicles are to be properly tagged and registered, parked in the driveway or in a carport, stored in an enclosed building or covered with an approved car cover or 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 one-time fine in the amount of \$1,000.00 shall be imposed. 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 \$36.30 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 September 21, 2019 to mow the entire property of all high weeds and grass, edge, weed-eat and blow all yard debris back onto the property, clean up and remove all trash, debris and junk, and properly store all outside stored items inside an enclosed building or remove them from the property. All vehicles are to be properly tagged and registered, parked in the driveway

or in a carport, stored in an enclosed building or covered with an approved car cover or removed from the property or a one-time fine in the amount of \$1,000.00 shall be imposed. Costs in the amount of \$36.30 were awarded to the City.

5. CEB Case No.: 19-1108

Respondent: Herbert Schubert Jr.

Address of Violation: 408 Nancy Circle, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 7/26/2019

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage (1) Residential Uses (a).

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 August 18, 2019, by removing the commercial equipment from the property or storing it in the back yard where it should be screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot.

Mr. Boehmer recommended the property owners be found in violation of the above referenced code with the violations to be corrected by September 21, 2019 by removing the commercial equipment from the property or storing it in the back yard where it should be screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot. 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 one-time fine in the amount of \$1,000.00 shall be imposed. 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 \$36.30 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 September 21, 2019 to remove the commercial equipment from the property or store it in the back yard where it should be screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or a one-time fine in the amount if \$1,000.00 shall be imposed. Costs in the amount of \$36.30 were awarded to the City.

6. CEB Case No.: 19-1116

Respondent: InBusiness Inc. Property Owner

c/o David T Wolf, Registered Agent

Address of Violation: 54 Elda Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 7/29/2019

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.

Scott Allman, 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.

7. **CEB Case No.:** 19-1010

Respondent: Linda B. Caswell, Trustee

Address of Violation: 13 Lawrence Court, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 7/9/2019

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.

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

8. **CEB Case No.:** 19-1096

Respondent: Morozov Enterprises Inc. Property Owner

C/O Igor A. Morozov, Registered Agent

Address of Violation: 6102 Del Mar Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 7/24/2019

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.

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

9. **CEB Case No.:** 19-1129

Respondent: Jessica Lynn Lincicome

Address of Violation: 9 Raintree Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 7/31/2019

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.

Mr. Allman 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 and trimming all high weeds.

Mr. Allman recommended the property owners be found in repeat violation of the above referenced code with the violations to be corrected immediately by mowing the entire property and trimming all high weeds. 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 imposed for each day the violation continues beyond July 31, 2019, the day the property was found in violation. 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. Allman 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 is to mow the entire property and trim all high weeds. A daily fine in the amount of \$100.00 per day shall be imposed beginning July 31, 2019 and running until the property is brought into compliance. Costs in the amount of \$41.60 were awarded to the City.

10. **CEB Case No.:** 19-1130
Respondent: Jessica Lynn Lincicome
Address of Violation: 9 Raintree Drive, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 7/31/2019

Compliance: No

Cited for violation(s) - 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.

Mr. Allman 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 August 30, 2019 by removing or repairing the damaged chain link fence.

Mr. Allman recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before October 11, 2019 by removing or repairing

the damaged chain link fence. 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 shall be imposed for each day the violation continues past 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. Allman 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 October 11, 2019 to remove or repair the damaged chain link fence 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.

11. **CEB Case No.:** 19-0928
 Respondent: Nancy Lane
 Address of Violation: 5443 Orange Avenue, Port Orange, FL 32127
 Code Officer: Dena Joseph
 First Notified: 6/26/2019

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.

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

12. **CEB Case No.:** 19-0903
 Respondent: Parque Badger Holdings LLC
 Address of Violation: 5337 Dubois Avenue, Port Orange FL 32127
 Code Officer: Dena Joseph
 First Notified: 6/17/2019

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.

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.

13. **CEB Case No.:** 19-0870
 Respondent: Rudolph Heiko Worm
 Address of Violation: 5249 Sydney Street, Port Orange, FL 32127
 Code Officer: Dena Joseph
 First Notified: 7/17/2019

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.

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

14. **CEB Case No.:** 19-0824
 Respondent: ARF Properties Trust
 Address of Violation: 5417 Dubois Avenue, Port Orange, FL 32127
 Code Officer: Dena Joseph
 First Notified: 6/4/2019

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 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages.

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

15. **CEB Case No.:** 19-1046
 Respondent: James E. Redmond
 Address of Violation: 5400 Turton Lane, Port Orange, FL 32127
 Code Officer: Dena Joseph
 First Notified: 7/16/2019

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), (h) Abutting property owner maintenance of parkages.

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 entire property and parkage area to include weed eating, edging and blowing of grass clippings back onto the property and removing the vines on the home and pool enclosure.

Ms. Joseph recommended the property owners be found in repeat violation of the above referenced codes with the violations to be corrected on or before September 18, 2019 by mowing the entire property and parkage area to include weed eating, edging and blowing of grass clippings back onto the property and removing the vines on the home and pool enclosure. 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 \$500.00 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 \$43.60 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 September 18, 2019 to mow the entire property and parkage area to include weed eating, edging and blowing of grass clippings back onto the property and remove the vines on the home and pool enclosure or a daily fine in the amount of \$500.00 per day shall be imposed. Costs in the amount of \$43.60 were awarded to the City.

16. **CEB Case No.:** 19-0915

Respondent: Matthew Brandt

Address of Violation: 5478 Rogers Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 6/21/2019

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) and (h) abutting property owner maintenance of parkages 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.

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 entire property and parkage to include edging, weed eating, and blowing debris off roadway and back onto the property, removing any trash and debris on site and storing any items outside in an enclosed building.

Ms. Joseph recommended the property owners be found in repeat violation of the above referenced code as the property was not in compliance with the Notice of Hearing. A daily fine in the amount of \$50.00 per day shall be assessed from August 6, 2019 through and including August 12, 2019 for a total of \$350.00 due to continuous and repeat non-compliance. 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. A daily fine in the amount of \$ 50.00 per day beginning August 6, 2019 and continuing through and including August 12, 2019 for a total of \$350.00 shall be imposed. Costs in the amount of \$41.60 were awarded to the City.

17. CEB Case No.: 19-0750

Respondent: Samuel C. Sebergandio Jr.

Address of Violation: 5453 Pineland Ave., Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 5/22/2019

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), (h) Abutting property owner maintenance of parkages.

2018 International Property Maintenance Code Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, Skylight, and Door Frames) as adopted per Chapter 14, Article II 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 August 4, 2019, by mowing the entire property and parkage to include edging, weed eating, and blowing debris off roadway and back onto the property and replacing all broken windows on the mobile home structure.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before September 18, 2019 by mowing the entire property and parkage to include edging, weed eating, and blowing debris off roadway and back onto the property and replacing all broken windows on the mobile home structure. 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 \$500.00 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.

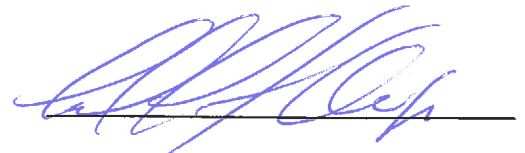
James Middlebrooks, Tenant, was sworn in by Special Magistrate Fuller and testified that he has been renting the property for 6 months and out of town for a while taking care of his mother. All of the violations were taken care of yesterday September 10, 2019. Ms. Joseph and Special Magistrate Fuller accepted the evidence.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. Any future violations shall be considered repeat violations. Costs in the amount of \$41.60 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

There were none.

D. ADJOURNMENT – 10:47am



Special Magistrate Fuller