

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
DECEMBER 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
Scott Allman, Code Compliance Inspector
Dena Joseph, Code Compliance Inspector
Dennis Boehmer, Code Compliance Inspector
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 November 13, 2019 meeting minutes as presented.

Oaths

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

Ms. Bonin asked to hear the agenda out of order as there were members of the public present. Special Magistrate Fuller accepted.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 19-1507

Respondent: Kathleen M. Hansen

Address of Violation: 1116 Meditation Loop, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 10/11/2019

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 70 (Traffic), Article II (Stopping standing and parking), Section 70-47 (Parking of

Commercial Vehicles on Residential Premises) of the City of Port Orange Code of Ordinances
(a) (b) (1) (2) (3) (c) (1)

Ms. Bonin, 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.:** 19-1483

Respondent: Walter Raymond Dorfner

Address of Violation: 203 Fox Place, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 10/4/2019

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

5. **CEB Case No.:** 19-1502

Respondent: Sharon M. McHenry

Address of Violation: 5257 Ridgewood Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 10/10/2019

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 15 (Signs), Sec. 3 (General provisions), (b) (Prohibited signs), (9) Signs, commonly referred to as wind signs, consisting of one or more pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind & (31) any other signs that are not specifically permitted or exempted by this chapter.

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

6. **CEB Case No.:** 19-1355

Respondent: Scott T. & Rhonda Maiorano

Address of Violation: 404 Orange Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 9/11/2019

Compliance: No

Cited for violation(s) - 2018 Florida Building Code, 6th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit.

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 November 3, 2019 by removing the sections of fencing including the panels and posts that were not on the original permit or revising the permit by adding the additional fencing installed on site and calling in for a final inspection of the fence through the City of Port Orange Community Development Department. The permit must be paid for to include all associated fees and picked up by the resident.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before December 22, 2019 by removing the sections of fencing including the panels and posts that were not on the original permit or revising the permit by adding the additional fencing installed on site and calling in for a final inspection of the fence through the City of Port Orange Community Development Department. The permit must be paid for to include all associated fees and picked up by the resident. 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 \$150.00 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 \$58.20 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 December 22, 2019 to remove the sections of fencing including the panels and posts that were not on the original permit or revising the permit by adding the additional fencing installed on site and calling in for a final inspection of the fence through the City of Port Orange Community Development Department. The permit must be paid for to include all associated fees and picked up by the resident or a daily fine in the amount of \$150.00 per day shall be imposed. Costs in the amount of \$58.20 were awarded to the City.

7. CEB Case No.: 19-1524

Respondent: Estate of Samuel C. Sebergandio Jr.

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

Code Officer: Dena Joseph

First Notified: 10/17/2019

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), (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 this is a repeat violation, by mowing the entire property and parkage area to include weed eating and blowing of grass clippings back onto the property.

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 December 18, 2019 by mowing the entire property and parkage area to include weed eating and blowing of grass clippings 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, a one-time fine in the amount of \$1,000.00 shall be assessed. 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 December 18, 2019 to mow the entire property and parkage area to include weed eating and blowing of grass clippings back onto the property or a one-time fine in the amount of \$1,000.00 shall be imposed. Costs in the amount of \$43.60 were awarded to the City.

8. CEB Case No.: 19-1210

Respondent: John J. Fondacaro

Address of Violation: 5718 Riverside Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 8/15/2019

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 by November 3, 2019 by mowing the entire property to include weed eating and blowing of all grass clippings back onto the property.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before December 22, 2019 by mowing the entire property to include weed eating and blowing of all grass clippings 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, 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 \$43.60 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 December 22, 2019 to mow the entire property to include weed eating and blowing of all grass clippings back onto the property or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$43.60 were awarded to the City.

9. CEB Case No.: 19-568

Respondent: Robert A. Oppenheim Est.

Address of Violation: 224 N. Brighton Dr., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 4/17/2019

Compliance: Yes

Cited for violation(s) - 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 42-26 (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.

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.

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.

10. **CEB Case No.:** 19-0873
 Respondent: Alexandra C. Neubauer
 Address of Violation: 932 Sabalwood Ct., Port Orange, FL 32127
 Code Officer: Scott Allman
 First Notified: 7/17/2019

Compliance: No

Cited for violation(s) - 2017 Florida Building Code, 6th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to obtain a building permit.

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 November 27, 2019 by removing the new fence posts and lateral supports or by obtaining a permit for the new fence.

Mr. Allman recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before January 6, 2020 by removing the new fence posts and lateral supports or by obtaining a permit for the new 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 \$50.00 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. Allman 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. The property owner has until January 6, 2020 to remove the new fence posts and lateral supports or to obtain a permit for the new fence or a daily fine in the amount of \$50.00 per day shall be imposed. Costs in the amount of \$43.60 were awarded to the City.

11. **CEB Case No.:** 19-1592
 Respondent: Linda B. Caswell, Trustee
 Address of Violation: 13 Lawrence Court, Port Orange, FL 32127
 Code Officer: Scott Allman
 First Notified: 11/5/2019

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 by immediately, as it is a repeat violation, by mowing the entire property and by trimming all high weeds.

Mr. Allman 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 one-time fine in the amount of \$100.00 shall be assessed due to repeat non-compliance. Mr. Allman 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. A one-time fine in the amount of \$100.00 shall be imposed for the repeat violation. Costs in the amount of \$43.60 were awarded to the City.

12. **CEB Case No.:** 19-0908
 Respondent: Michael J. Parker & Carolyn R. Champine
 Address of Violation: 6129 Half Moon Drive, Port Orange, FL 32127
 Code Officer: Scott Allman
 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) 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, Section 304 (Exterior Structure) 304.1 (General) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.6 Exterior Walls.

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 October 31, 2019 by mowing the entire property, trimming all high weeds and by blowing all debris back onto the property and by repairing all damaged siding on the home.

Mr. Allman recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before January 13, 2020 by mowing the entire property, trimming all high weeds and by blowing all debris back onto the property and by repairing all damaged siding on the home. 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. Mr. Allman requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$58.20 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 violation. The property owner has until January 13, 2020 to mow the entire property, trim all high weeds and blow all debris back onto the property and repair all damaged siding on the home or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$58.20 were awarded to the City.

13. **CEB Case No.:** 19-1580

Respondent: Tiger Palm Properties Inc.

Address of Violation: 3821 Long Grove Lane, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 10/1/2019

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), (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.

14. **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: Yes

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

15. **CEB Case No.:** 19-1113

Respondent: George G. & Jill Catledge

Address of Violation: 1521 Rusty Circle, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 7/29/2019

Compliance: Yes

Cited for violation(s) - 2018 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.6 Exterior walls.

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

16. **CEB Case No.:** 19-1572

Respondent: Lalumfland Port Orange LLC

Address of Violation: 5784 Taylor Branch Road, Port Orange, FL 32127

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 14-314. - Landscaping and buffers - Maintenance criteria (a) approved landscape plans (2) Shrubs (d) (2) (3) (5) (7)
Section 14-315. - Same - Replacement Criteria (a) Landscape plantings.
Section 14-317. - Parking, sidewalks and driveway areas (a) Maintenance criteria (1) (2) (3)

2015 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.6 Exterior walls.

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 December 3, 2019 by repairing the columns and bollards at the gas pumps, painting the fence pickets behind the building to match the others, installing all missing or dead plants and shrubs, re-sealing and re-stripping the parking lot, repairing the irrigation and ensuring it covers all vegetation, ensuring all parking lot lighting is in proper working order, weeding and mulching all landscape beds and hedgerows, and

removing all trash and debris. To date, the plants and shrubs have been installed however, some of them have died and need to be replaced again, the lighting has been repaired, the landscape beds and hedgerows have been weeded and mulched, trash and debris has been removed, and the columns and bollards at the gas pumps have been repaired.

Ms. Bonin recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before January 13, 2020 by resealing and restriping the parking lot (excluding the concrete sections), replacing the dead landscape material, repairing the irrigation, and painting the fence pickets in the back of the building to match the others. 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. Ms. Bonin 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.

Shalon Bauer, Regional Manager for Lalumfland Port Orange LLC, was sworn in by Special Magistrate Fuller and testified that the cost of the repairs to the parking lot are more than they can handle at the moment. Ms. Bower asked for more time for the parking lot repairs.

Special Magistrate Fuller suggested continuing the case to the January 22, 2020 hearing to allow the property owner to get an estimate for the repair work on the parking lot and bring back an estimate to how long the repair work will take at that time. The City agrees to the continuation request.

17. **CEB Case No.:** 18-1686
 Respondent: Anthony M. Malena
 Address of Violation: 1394 Surrey Park Drive, Port Orange, FL 32128
 Code Officer: Amanda Bonin
 First Notified: 10/2/2018

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

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls),. Modified (a), (b) General Provisions, (4) Design and Maintenance & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.6 Exterior Walls.

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 October 28, 2019 by mowing and trimming all high weeds and grass, repairing replacing or removing the fence, repairing the damaged siding, and cleaning and painting the home. All violations have since been corrected except repairing the siding and painting the home.

Ms. Bonin recommended the property owners be found in violation of Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.6 Exterior Walls with the violations to be corrected on or before January 12, 2020 by repairing the siding and painting the house. 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 \$43.60 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Anthony Malena, property owner, was sworn in by Special Magistrate Fuller and testified that he needs more time to get an estimate for the repairs for the siding on the home. He is not in a financial position at the moment to make further repairs.

Special Magistrate Fuller suggested continuing the case to the January 22, 2020 hearing to allow the property owner to get an estimate for the siding work and potentially get the work started. The City agreed to the continuation request.

C. ORDER IMPOSING FINE/LIEN

18. **CEB Case No.:** 19-1241

Respondent: Thomas S. Wintink est

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

Code Officer: Amanda Bonin

First Notified: 8/13/2019

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.

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.

19. **CEB Case No.:** 19-745

Respondent: Finance of America Reverse LLC, Property Owner

Address of Violation: 1426 Royal Grove Lane, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 5/30/2019

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 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 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.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions), (8), 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.

20. **CEB Case No.:** 19-249

Respondent: Susan C Prisaznick

Address of Violation: 3736 Sunrise Oaks Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 2/18/2019

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 3, Section 303 Swimming Pools, Spas, and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances; 303.1 Swimming Pools and 303.2 Enclosures.

City of Port Orange Land Development Code, Chapter 10 Clearing, Grading, and Stormwater Management, Article 1 Clearing and Grading, Section 1 Purpose and Intent.

City of Port Orange Land Development Code, Chapter 10 Clearing, Grading, and Stormwater Management, Article 1 Clearing and Grading, Section 2 Permits Required for change of Grade.

Ms. Bonin requested a continuation of the case to the January 22, 2020 hearing. Special Magistrate Fuller granted the continuation request.

21. **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 a continuation of the case to the June 24, 2020 hearing. Special Magistrate Fuller granted the continuation request.

22. **CEB Case No.:** 19-1293
 Respondent: Valerie Potter
 Address of Violation: 176 Iron Gate Circle, Port Orange, FL 32127
 Code Officer: Dennis Boehmer
 First Notified: 8/22/2019

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.

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 October 23, 2019 by the Special Magistrate. The City retained vendor Yellowstone Landscape who abated the violation at the cost of \$50.00. A cost sheet for mailing and recording costs in the amount of \$96.90 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$50.00 in abatement costs and mailing and recording costs to date of \$96.90. A lien is imposed on the property in the amount of \$146.90.

23. **CEB Case No.:** 19-1346

Respondent: Arthur P. Champley

Address of Violation: 560 Newton Road, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 9/10/2019

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.

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.

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance November 8, 2019 as ordered in the previous hearing on October 23, 2019 by the Special Magistrate. He requested a daily fine in the amount of \$100.00 as ordered in the Finding of Fact, Conclusion of Law & Order to begin on November 9, 2019 and running through and including November 16, 2019 for a total of 8 days. The City retained vendor Mark Solomon Properties who abated the violation at the cost of \$100.00. A cost sheet for mailing and recording costs in the amount of \$96.90 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$800.00 in daily fines beginning on November 9, 2019 and running through and including November 16, 2019, \$100.00 in abatement costs and mailing and recording costs to date of \$96.90. A lien is imposed on the property in the amount of \$996.90.

24. **CEB Case No.:** 19-1172

Respondent: Peter J. Renko

Address of Violation: 150 Howes Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 8/7/2019

Compliance: No

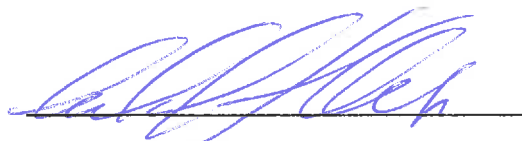
Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance October 2, 2019 as ordered in the previous hearing on September 25, 2019 by the Special Magistrate. She requested a one-time fine in the amount of \$500.00 as ordered in the Finding of Fact, Conclusion of Law & Order. The City retained vendor Yellowstone Landscaping who abated the violation at the cost of \$82.56. A cost sheet for mailing and recording costs in the amount of \$89.60 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$582.56 in fines and abatement costs and mailing and recording costs to date of \$89.60. A lien is imposed on the property in the amount of \$672.16.

D. ADJOURNMENT – 11:00 a.m.



Special Magistrate Fuller