

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
WEDNESDAY June 24, 2009**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, June 24, 2009 in the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 5:30 p.m. by Special Magistrate Cino.

2. ROLL CALL:

Special Magistrate	Charles Cino	Present
Enforcement Services Director	Dale Baker	Present
Enforcement Services Manager	Hector Garcia	Present
Assistant City Attorney	Randall Hanson	Present
Hearing Clerk	Sonjia Kihlmire	Present

Also present were: Enforcement Services Officers, Dwight Neumeyer, Richard Lovett, Albert Grimsley and Danny Ron.

3. STATEMENT BY SPECIAL MAGISTRATE:

Presented by Charles Cino.

Mr. Cino has taken Judicial Notice of all City of Deltona Ordinances, State Statutes, Florida Building Code and the International Property Maintenance Code.

4. PLEDGE OF ALLEGIANCE:

5. DISCLOSURE OF EX PARTE COMMUNICATIONS: None

6. APPROVAL OF MINUTES:

The Minutes of the Special Magistrate Hearing for May 27, 2009 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of Enforcement Services, Dale Baker, stated under New Business that Officer Dennis Mues stated that cases #DEL-09-116 and DEL-09-117 are to be withdrawn. Repeat Case #DEL-09-118, Presented by Officer Richard Lovett, is also withdrawn.

8. SWEARING IN OF OFFICERS AND WITNESSES:

Special Magistrate Charles Cino swore in all that were present to testify.

9. OLD BUSINESS:

A. DEL-09-023

Michael & Norma Soto

P.O. Box 5938, Deltona, Florida 32728

Property Address: 3237 London Ave., Deltona Florida

Parcel No.: 30-18-31-35-15-0090

Violation of City of Deltona Ordinance, Section 18-5 adopting the latest edition of the International Property Maintenance Code, Section 303.1, which states that swimming pools shall be maintained in a clean and sanitary condition and kept in good repair. **(Enforcement Services Officer Danny Ron)**

Order of Compliance issued.

B. DEL-09-024

Edel & Ileana Villafana

2424 Treehaven Dr., Deltona, Florida 32738

Property Address: 2424 Treehaven Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-40-08-0040

Violation of the City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 105.1, which states that any owner, 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 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 permit for your addition. **(Enforcement Services Officer Danny Ron)**

Case to be continued. The Villafanas were present along with their Engineer. Hearing to Impose Fine at the July 22, 2009 Code Hearing if not in compliance.

C. DEL-09-031

Lisa M. Staley

2579 Ainsworth Ave., Deltona, Florida 32738-2549

Property Address: 2579 Ainsworth Ave., Deltona, Florida 32738-2549

Parcel No.: 30-18-31-32-0140

Violation of City of Deltona Ordinance, Section 38-110 (2), which states that accumulations of waste, yard trash, rubble and or debris are declared to be a nuisance and must be abated in their entirety. **(Enforcement Services Officer Danny Ron)**

Hearing to Impose Fine at the July 22, 2009 Code Hearing if not in compliance. Ms. Staley present at the Hearing.

D. Del-09-032

Lisa M. Staley

2579 Ainsworth Ave., Deltona, Florida 32738-2549

Property Address: 2579 Ainsworth Ave., Deltona, Florida 32738-2549

Parcel No.: 30-18-31-32-0140

Violation of City of Deltona Ordinance, Section 18-5, reference 304.6, adopting the latest edition of the International Property Maintenance Code, which states that exterior walls shall be free from holes, breaks, loose or rotting surfaces and the surface properly coated where required to prevent deterioration. **(Enforcement Services Officer Danny Ron)**

Hearing to Impose Fine at the July 22, 2009 Code Hearing if not in compliance. Ms. Staley present at the Hearing.

A. NEW BUSINESS:

A. DEL-09-093

Thomas V. and Judy Lynn Bamundo
2970 Willow Bay Terrace, Casselberry, Florida 32707
Property Address: 906 Treadway Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-40-38-0100

Violation of City of Deltona Ordinance No. 11-2007, Chapter 22, which states that the owner of record of each dwelling unit or rooming house in which a residential quarters are rented or offered for rent to persons other than the owner or owner's immediate family, shall make written application to the City of Deltona for a local business tax license and provide a local point of contact person for each dwelling unit. **(Enforcement Services Officer Danny Ron)**

Non Compliance at the time of the violation and then the property owner came into compliance and the case was dismissed. Owner set up as a repeat violator if the violation reoccurs.

B. DEL-09-096

Ernesto and Margarita Henao
10515 Azalea Dr., Port Richey, Florida 34668
Property Address: 1158 Tivoli Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-07-61-0020

Violation of City of Deltona Ordinance No. 11-2007, Chapter 22, which states that the owner of record of each dwelling unit or rooming house in which a residential quarters are rented or offered for rent to persons other than the owner or owner's immediate family, shall make written application to the City of Deltona for a local business tax license and provide a local point of contact person for each dwelling unit. **(Enforcement Services Officer Albert Grimsley)**

Order of Non Compliance, with a Hearing to impose fine at the July 22, 2009 Code Hearing.

C. DEL-09-097

Ernesto and Margarita Henao
10515 Azalea Dr., Port Richey, Florida 34668
Property Address: 1158 Tivoli Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-07-61-0020

Violation of City of Deltona Ordinance, Section 38-110 (2), which states that accumulations of waste, yard trash, rubble and or debris are declared to be a nuisance and must be abated in their entirety. **(Enforcement Services Officer Albert Grimsley)**

Order of Non Compliance, with a Hearing to impose fine at the July 22, 2009 Code Hearing.

D. DEL-09-098

Ernesto and Margarita Henao
10515 Azalea Dr., Port Richey, Florida 34668
Property Address: 1158 Tivoli Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-07-61-0020

Violation of City of Deltona Ordinance, Section 18-5, reference 304.2, adopting the latest edition of the International Property Maintenance Code, which states that exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences. Surfaces shall be kept in sound working condition and maintained in good repair. **(Enforcement Services Officer Albert Grimsley)**

Order of Non Compliance, with a Hearing to impose fine at the July 22, 2009 Code Hearing.

E. DEL-09-099

Ernesto and Margarita Henao
10515 Azalea Dr., Port Richey, Florida 34668
Property Address: 1158 Tivoli Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-07-61-0020

Violation of City of Deltona Ordinance, Section 18-5, reference 304.7, adopting the latest edition of the International Property Maintenance Code, which states that the roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure and roof water shall not be discharged in a manner that creates a public nuisance. **(Enforcement Services Officer Albert Grimsley)**

Order of Non Compliance, with a Hearing to impose fine at the July 22, 2009 Code Hearing.

F. DEL-09-100

Ernesto and Margarita Henao
10515 Azalea Dr., Port Richey, Florida 34668
Property Address: 1158 Tivoli Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-07-61-0020

Violation of City of Deltona Ordinance, Section 18-5, reference 304.8, adopting the latest edition of the International Property Maintenance Code, which states that all cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. **(Enforcement Services Officer Albert Grimsley)**

Order of Non Compliance, with a Hearing to impose fine at the July 22, 2009 Code Hearing.

G. DEL-09-101

Ernesto and Margarita Henao
10515 Azalea Dr., Port Richey, Florida 34668
Property Address: 1158 Tivoli Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-07-61-0020

Violation of the City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 302.7, which states all accessory structures, including detached garages, fences and walls, shall be maintained and kept in good repair. **(Enforcement Services Officer Albert Grimsley)**

Order of Non Compliance, with a Hearing to impose fine at the July 22, 2009 Code Hearing.

H. DEL-09-106

Bernard & Lasandra Joseph
566 Tyler Ave., Deltona, Florida 32725-8338
Property Address: 566 Tyler Ave., Deltona, Florida 32725-8338
Parcel No.: 30-18-31-05-21-0210

Violation of City of Deltona Ordinance, Section 18-5, reference 304.7, adopting the latest edition of the International Property Maintenance Code, which states that the roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure and roof water shall not be discharged in a manner that creates a public nuisance. **(Enforcement Services Officer Dwight Neumeyer)**

Order of Non Compliance, with a Hearing to impose fine at the July 22, 2009 Code Hearing. They were present at the Hearing.

I. DEL-09-109

Jorge L. Gallinat
2009 Galveston Ave., Deltona, Florida 32725
Property Address: 2009 Galveston Ave., Deltona, Florida 32725
Parcel No.: 30-18-31-04-13-0120

Violation of City of Deltona Ordinance, Section 18-5, reference 304.7, adopting the latest edition of the International Property Maintenance Code, which states that the roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure and roof water shall not be discharged in a manner that creates a public nuisance. **(Enforcement Services Officer Dwight Neumeyer)**

Order of Non Compliance, with a Hearing to impose fine at the July 22, 2009 Code Hearing.

J. DEL-09-110

Bank Of New York

7105 Corporate Dr., Plano, Texas 75024

Property Address: 977 Anderson Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-12-03-0010

Violation of City of Deltona Ordinance, Section 18-5, reference 304.6, adopting the latest edition of the International Property Maintenance Code, which states that exterior walls shall be free from holes, breaks, loose or rotting surfaces and the surface properly coated where required to prevent deterioration. **(Enforcement Services Officer Albert Grimsley)**

Mr. Thomas Gerry stated that he is representing the Bank of New York on these code violations and that the violations will be corrected. Special Magistrate Cino gave him/them until the August 26, 2009 Code Hearing to come into compliance. A Hearing to impose fine will occur at that time if the property has not come into compliance.

K. DEL-09-111

Bank Of New York

7105 Corporate Dr., Plano, Texas 75024

Property Address: 977 Anderson Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-12-03-0010

Violation of City of Deltona Ordinance, Section 18-5, reference 304.7, adopting the latest edition of the International Property Maintenance Code, which states that the roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure and roof water shall not be discharged in a manner that creates a public nuisance. **(Enforcement Services Officer Albert Grimsley)**

Mr. Thomas Gerry stated that he is representing the Bank of New York on these code violations and that the violations will be corrected. Special Magistrate Cino gave him/them until the August 26, 2009 Code Hearing to come into compliance. A Hearing to impose fine will occur at that time if the property has not come into compliance.

L. DEL-09-113

Bank Of New York

7105 Corporate Dr., Plano, Texas 75024

Property Address: 977 Anderson Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-12-03-0010

Violation of the City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 105.1, which states that any owner, 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 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 permit for your fence. **(Enforcement Services Officer Albert Grimsley)**

Mr. Thomas Gerry stated that he is representing the Bank of New York on these code violations and that the violations will be corrected. Special Magistrate Cino gave him/them until the August 26, 2009 Code Hearing to come into compliance. A Hearing to impose fine will occur at that time if the property has not come into compliance.

M. DEL-09-116

Salvatore Lupoli

6322 Forest Stump Lane, Jacksonville, Florida 32258

Property Address: 1412 Independence Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-30-14-0080

Violation of the City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 105.1, which states that any owner, 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 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 permit for your windows and doors. **(Enforcement Services Officer Dennis Mues)**

Withdrawn.

N. DEL-09-117

Salvatore Lupoli

6322 Forest Stump Lane, Jacksonville, Florida 32258

Property Address: 1412 Independence Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-30-14-0080

Violation of the City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 105.1, which states that any owner, 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 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 permit for your fence. **(Enforcement Services Officer Dennis Mues)**

Withdrawn.

O. DEL-09-119

Ronald Wayne Clark

2914 Fifer Dr., Deltona, Florida 32738

Property Address: 2914 Fifer Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-34-23-0160

Violation of City of Deltona Ordinance, Section 18-5, reference 304.2, adopting the latest edition of the International Property Maintenance Code, which states that exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences. Surfaces shall be kept in sound working condition and maintained in good repair. **(Enforcement Services Officer Richard Lovett)**

Order of Non Compliance issued. Order effective July 23, 2009 for \$100.00 a day, with a cap of \$10,000.00, will be imposed if this property is still in non compliance at the July 22, 2009 Code Hearing.

10. REPEAT CASES:

A. DEL-09-118 (REPEAT CASE NO.: DEL-07-081)

MR & Sons Investment Co. Inc.

2391 Ruth Lane, Kissimmee, Florida 34744

Property Address: 1342 Howland Blvd., Deltona, Florida 32738

Parcel No.: 30-18-31-38-11-0300

Violation of City of Deltona Ordinance, Section 38-128(a), it is unlawful for the owner of any private real or personal property, including structures or improvements, to permit graffiti to remain on any such property within the City. (**Enforcement Services Officer Richard Lovett**)

Withdrawn.

11. OTHER BUSINESS:

12. DISCUSSION:

A) By the Special Magistrate

B) By the Enforcement Services Director

13. ADJOURNMENT: Meeting adjourned at 6:10 pm

NOTE: If any person decides to appeal any decision made by the Code Enforcement Special Magistrate with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence which the appeal is to be based. (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, at least three (3) working days in advance of the meeting date and time at (386) 878-8100.

Special Magistrate, Charles J. Cino

ATTEST:

Sonjia Kihlmire, Hearing Clerk