

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
WEDNESDAY March 25, 2009**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, March 25, 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
City Attorney	George Trovato	Present
Hearing Clerk	Sonjia Kihlmire	Present

Also present were: Enforcement Services Officers, Dwight Neumeyer, Richard Lovett, Lonnie Wilson, Albert Grimsley, Steve Braukhoff, Mark Gibson, Julie Hughes, Jody Palermo 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 February 25, 2009 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of Enforcement Services, Dale Baker, stated under Old Business that Officer Dwight Neumeyer stated that case #DEL-09-034 was found in compliance. Under new Business, Officer Dwight Neumeyer would like to withdraw case #DEL-09-065; Officer Jody Palermo would like to continue case DEL-09-073 and DEL-09-074. Officer Dennis Mues would like to withdraw case DEL-09-076 and Officer Steve Braukhoff would like to withdraw repeat case #DEL-09-059.

8. SWEARING IN OF OFFICERS AND WITNESSES:

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

9. OLD BUSINESS:

A. DEL-09-029

**Patricia A. McPherson Wyant
545 South Glancy Dr., Deltona, Florida 32725-3555
Property Address: 545 South Glancy Dr., Deltona, Florida 32725-3555
Parcel No.: 30-18-31-03-41-1410**

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(s) for shed(s) on the property. **(Enforcement Services Officer Lonnie Wilson)**

Respondent found to be in non compliance and a fine of \$100.00 a day, effective immediately, to run until they come into Compliance or a cap of \$10,000.00 is reached.

B. DEL-09-030

**Patricia A. McPherson Wyant
545 South Glancy Dr., Deltona, Florida 32725-3555
Property Address: 545 South Glancy Dr., Deltona, Florida 32725-3555
Parcel No.: 30-18-31-03-41-1410**

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 Lonnie Wilson)**

Respondent found to be in non compliance and a fine of \$100.00 a day, effective immediately, to run until they come into Compliance or a cap of \$10,000.00 is reached.

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)**

Respondent found to be still in non compliance and a Hearing to impose fine will be held May 27, 2009, if not in compliance. This case was continued to allow more time to come into total compliance. Property owner was present.

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**)

Respondent found to be still in non compliance and a Hearing to impose fine will be held May 27, 2009, if not in compliance. This case was continued to allow more time to come into total compliance. Property owner was present.

E. DEL-09-034

Prompt Solution LLC TR -3000 Concord Terrace Trust

1513 Winter Green Blvd., Winter Park, Florida 32792

Property Address: 3000 Concord Terrace, Deltona, Florida

Parcel No.: 30-18-31-33-09-0040

Violation of City of Deltona Ordinance, Section 38-128(a), which states it shall be 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 Dwight Neumeyer**)

Respondent found to be in compliance.

F. DEL-09-035

Kevin W. & Sherry Lynn Davis

1752 Mayhill St., Deltona, Florida 32738-4175

Property Address: 1752 Mayhill St., Deltona, Florida 32738-4175

Parcel No.: 30-18-31-43-11-0020

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(s) for shed(s) on the property. (**Enforcement Services Officer Dwight Neumeyer**)

Property still in non compliance and Officer Neumeyer stated more time is needed to obtain a permit for his shed. Mr. Kevin Davis stated he was working on this permit process and may have to request a variance from the City. Hearing to impose fine scheduled for April 22, 2009, if no progress made.

G. DEL-09-036

Mary Anne Bateman

320 Medford Ave., Deltona, Florida 32725

Property Address: 320 Medford Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-52-02-0090

Violation of City of Deltona Ordinance, Section 38-114, which states that furniture outside must be designed to be placed outdoors or stored inside a covered structure. In addition, storage of materials relating to residential use, children's play toys, firewood, brush, logs or any other materials intended to be used in the fireplace or other permitted burning facilities, shall be permitted only in the rear yard to the rear of the wall of the home. **(Enforcement Services Officer Dwight Neumeyer)**

Respondent was present with her son, he explained he had moved in with her and that the furniture items were his and he would store them or get rid of them as applicable. Respondent stated that the property will be cleaned up by next month. A Hearing to impose fine will be held April 22, 2009 if not in compliance.

10. NEW BUSINESS:

A. DEL-09-054

Diana Browne

852 Yellowbird Ave., Deltona, Florida 32725

Property Address: 852 Yellowbird Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-05-67-0160

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 garage enclosure. **(Enforcement Services Officer Richard Lovett)**

Case continued until the April 22, 2009 Code Hearing to allow time for Ms. Browne to come into compliance. A Hearing to impose fine will be held if property owner is not in compliance.

B. DEL-09-060

Walter and Larhonda Bell

2018 Wallingford St., Deltona, Florida 32738

Property Address: 2018 Wallingford St., Deltona, Florida 32738

Parcel No.: 30-18-31-17-03-0020

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 garage conversion/doors. **(Enforcement Services Officer Steve Braukhoff)**

Mr. Walter Bell was present at the Hearing and stated that he is working on getting a permit, but needs to hire an Engineer or an Architect. The Special Magistrate found him in Non Compliance with a Hearing to impose fine scheduled for the May 27th, 2009 Code Hearing.

C. DEL-09-061

Charles W. Gaster

1210 Fort Smith Blvd., Deltona, Florida 32725-6102

Property Address: 1210 Fort Smith Blvd., Deltona, Florida 32725-6102

Parcel No.: 30-18-31-13-12-0300

Violation of City of Deltona Ordinance, Section 66-20, which states that motor vehicles shall not be parked anywhere within that portion of the lot lying across the full width of the lot between the front lot line and front most part of the principle structure, except on approved driveways or driveway extensions. All vehicles must have a current tag and be operable, or they must be stored in an enclosed garage. **(Enforcement Services Officer Mark Gibson)**

Officer Gibson requested a “tow” Order from the Special Magistrate for all the improperly parked vehicles on this property. Mr. Cino wants this case to be brought back before him at the next Code Hearing for a possible Hearing to impose fine. The Respondent was found to be in Non Compliance. Mr. Gaster was not present. Mr. Cino signed the vehicle abatement Order.

D. DEL-09-062

Viola Shepherd

P.O. Box 100487, Brooklyn, NY 11210

Property Address: 2290 Henry Lane, Deltona, Florida

Parcel No.: 30-18-31-45-17-0030

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 **(Enforcement Services Officer Richard Lovett)**

Respondent found in Non Compliance and a Hearing to impose fine was scheduled for the April 22, 2009 Code Hearing, to allow Officer Lovett to try and track down the owners.

E. DEL-09-065

Fred Mowery Est
2471 Omaha Dr., Deltona, Florida 32738
Property Address: 2471 Omaha Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-33-15-0080

Violation of City of Deltona Ordinance, Section 66-56, which prohibits all vehicles that are inoperable, wrecked, partially dismantled or otherwise mechanically incapable of being operated in their present condition, or are without a current state license tag if required, or they must be stored in an enclosed garage. **(Enforcement Services Officer Dwight Neumeyer)**

In Compliance, case withdrawn.

F. DEL-09-066

Milton F. and Christen R. Castro
2300 Newmark Dr., Deltona, Florida 32738
Property Address: 2300 Newmark Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-45-54-0460

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 Steve Braukhoff)**

Ms. Castro was present and explained that she would apply for the permit for their fence. Respondent found in Non Compliance with a Hearing to impose fine at the April 22, 2009 Code Hearing.

G. DEL-09-067

Betsy L. Whack
1117 Anderson St., Deltona, Florida 32725
Property Address: 1117 Anderson St., Deltona, Florida 32725
Parcel No.: 30-18-31-05-23-0030

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 **(Enforcement Services Officer Dwight Neumeyer)**

The Special Magistrate suggested that a possible Order to vacate might be the course of action for this property, because of the extensive damage to this roof and the Officer's statement that people are living here. Found in Non Compliance and a Hearing to impose fine will be held April 22, 2009 for this case.

H. DEL-09-068

Pablo A. and Raquel M. Lopez
862 Horizon St., Deltona, Florida 32725-9211
Property Address: 862 Horizon St., Deltona, Florida 32725-9211
Parcel No.: 30-18-31-24-05-0220

Violation of City of Deltona Ordinance, Section 38-114, which states that furniture outside must be designed to be placed outdoors or stored inside a covered structure. In addition, storage of materials relating to residential use, children's play toys, firewood, brush, logs or any other materials intended to be used in the fireplace or other permitted burning facilities, shall be permitted only in the rear yard to the rear of the wall of the home. **(Enforcement Services Officer Julie Hughes)**

Found in Non Compliance with a Hearing to impose fine scheduled for the April 22, 2009 Code Hearing.

I. DEL-09-069

Kenneth J. and Deshika W. Mitchell
2581 Dorchester Dr., Deltona, Florida 32738
Property Address: 2581 East Dorchester Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-32-34-0200

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)**

Found in Non Compliance with a Hearing to impose fine scheduled for the April 22, 2009 Code Hearing.

J. DEL-09-070

Kenneth J. and Deshika W. Mitchell
2581 Dorchester Dr., Deltona, Florida 32738
Property Address: 2581 East Dorchester Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-32-34-0200

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

Found in Non Compliance with a Hearing to impose fine scheduled for the April 22, 2009 Code Hearing.

K. DEL-09-071

Kenneth J. and Deshika W. Mitchell
2581 Dorchester Dr., Deltona, Florida 32738
Property Address: 2581 East Dorchester Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-32-34-0200

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 that all

accessory structures, including detached garages, fences and walls, shall be maintained and kept in good repair and sound structural condition. **(Enforcement Services Officer Albert Grimsley)**

Found in Non Compliance with a Hearing to impose fine scheduled for the April 22, 2009 Code Hearing.

L. DEL-09-072

Pablo A. and Raquel M. Lopez
862 Horizon St., Deltona, Florida 32725-9211
Property Address: 862 Horizon St., Deltona, Florida 32725-9211
Parcel No.: 30-18-31-24-05-0220

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 Julie Hughes)**

Found in Non Compliance with a Hearing to impose fine scheduled for the April 22, 2009 Code Hearing.

M. DEL-09-073

Joseph Rose and Judithann Galloway
1528 N. Normandy Blvd., Deltona, Florida 32725
Property Address: 1528 N. Normandy Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-03-32-0260

Violation of City of Deltona Ordinance, Section 66-56, which prohibits all vehicles that are inoperable, wrecked, partially dismantled or otherwise mechanically incapable of being operated in their present condition, or are without a current state license tag if required, or they must be stored in an enclosed garage. **(Enforcement Services Officer Jody Palermo)**

Case continued to April 22, 2009 Code Hearing.

N. DEL-09-074

Joseph Rose and Judithann Galloway
1528 N. Normandy Blvd., Deltona, Florida 32725
Property Address: 1528 N. Normandy Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-03-32-0260

Violation of the City of Deltona Ordinance, Section 66-18(h), "Restrictions on trucks and other vehicles" which states that a maximum of (2) vehicles may be parked on the side or rear yard. **(Enforcement Services Officer Jody Palermo)**

Case continued to April 22, 2009 Code Hearing.

O. DEL-09-075

Joseph Rose and Judithann Galloway
1528 N. Normandy Blvd., Deltona, Florida 32725
Property Address: 1528 N. Normandy Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-03-32-0260

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 **(Enforcement Services Officer Jody Palermo)**

Found in Non Compliance with a Hearing to impose fine scheduled for the April 22, 2009 Code Hearing.

P. DEL-09-076

Shane P. Chaput-Baker

PO Box 536511, Orlando Florida 32853

Property Address: 831 Halstead St., Deltona, Florida 32725

Parcel No.: 30-18-31-28-11-0020

Violation of City of Deltona code of Ordinance, Section 22-4, 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 Dennis Mues)**

Case Withdrawn.

11. REPEAT CASES:

A. DEL-09-059 Repeat from DEL-07-016

Artemio Ramirez

978 Saxon Blvd., Deltona, Florida 32725

Property Address; 978 Saxon Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-11-43-0230

Violation of City of Deltona Ordinance, Section 66-20, which states that motor vehicles shall not be parked anywhere within that portion of the lot lying across the full width of the lot between the front lot line and front most part of the principle structure, except on approved driveways or driveway extensions. All vehicles must have a current tag and be operable, or they must be stored in an enclosed garage. **(Enforcement Services Officer Steve Braukhoff)**

Case Withdrawn.

12. OTHER BUSINESS:

13. DISCUSSION:

A) By the Special Magistrate

B) By the Enforcement Services Director

14. ADJOURNMENT: Meeting adjourned at 6:40 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:

Sonja Kihlmire, Hearing Clerk