

CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
WEDNESDAY May 27, 2009

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, May 27, 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, Albert Grimsley, Steve Braukhoff, 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 April 22, 2009 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of Enforcement Services, Dale Baker, stated under Old Business that Officer Steve Braukhoff stated that case #DEL-09-060 is to be continued to the July 22, 2009 Code Hearing, Officer Steve Braukhoff's case DEL-09-082 is in compliance, case DEL-09-094 has been withdrawn by Officer Danny Ron. Under new Business, Officer Albert Grimsley is continuing case DEL-09-096, DEL-09-097, DEL-09-098, DEL-09-099, DEL-09-100 and DEL-09-101 to the June 24, 2009 Code Hearing.

Special Magistrate stated Danny Ron should be commended for saving a turtle on LPGA Blvd., from being run over as he managed to get it off the roadway and head it towards a lake in the area. The City Attorney arrived at 5:35 pm and Mr. Cino welcomed him to the Hearing.

8. SWEARING IN OF OFFICERS AND WITNESSES:

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

9. OLD BUSINESS:

A. DEL-09-031

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)**

First amended Order of Non Compliance, Hearing to impose fine 6-24-09.

B. 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)**

First amended Order of Non Compliance, Hearing to impose fine 6-24-09.

C. DEL-09-033

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 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 the roof. **(Enforcement Services Officer Danny Ron)**

Compliance met. Order of Compliance.

- D. 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)**

First amended Order of Non Compliance, Hearing to impose fine 6-24-09, if not in compliance by 6-20-09.

- E. 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)**

Continued to July 22, 2009, Code Hearing.

- F. 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)**

A fine of \$250.00 a day with a cap of \$10,000.00 –Order imposed.

- G. DEL-09-081**
Danielle Mikler
3147 Mapleshade St., Deltona, Florida 32738
Property Address: 3147 Mapleshade St., Deltona, Florida 32738
Parcel No.: 30-18-31-73-02-0180

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 Danny Ron)**

A fine of \$100.00 a day with a cap of \$10,000.00 –Order imposed.

- H. DEL-09-082**
Donald A. Gibb
PO Box 180256, Coronado, CA 92118
Property Address: 1462 Randolph St., Deltona, Florida 32738
Parcel No.: 30-18-31-05-38-0110

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 repairs or remove it. **(Enforcement Services Officer Steve Braukhoff)**

Order of Compliance.

- I. DEL-09-083**
Daniel Williams
1898 Van Allen Circle, Deltona, Florida 32738
Property Address: 1898 Van Allen Circle, Deltona, Florida 32738
Parcel No.: 30-18-31-36-05-0050

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 shed or remove it. **(Enforcement Services Officer Richard Lovett)**

A fine of \$250.00 a day with a cap of \$10,000.00 –Order imposed.

10. NEW BUSINESS:

A. DEL-09-089

Juan C. and Edilia Subiry
PO Box 352, Deltona, Florida 32725
Property Address: 2955 Elkcam Blvd., Deltona, Florida
Parcel No.: 30-18-31-74-35-0080

Violation of the City of Deltona Ordinance, Section 38-113, which states that it shall be the responsibility of every owner, agent or tenant of improved property in the City to ; at all times, maintain those Right-of-Ways most abutting their property. **(Enforcement Services Officer Danny Ron)**

Order of Non Compliance, effective June 23, 2009, if property still in non compliance a fine will start @ \$100.00 a day with a cap of \$10,000.00.

B. DEL-09-090

Jacqueline Allen & Tiffany Vega
657 Leland Drive, Deltona, Florida 32725
Property Address: 657 Leland Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-20-01-0060

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)**

A fine of \$100.00 a day with a cap of \$10,000.00 –Order imposed. An abatement Order will be issued in 30 days if the Respondent is not in compliance.

C. DEL-09-091

William E. Ewald
919 East Fairbairn Dr., Deltona, Florida 32725
Property Address: 919 East Fairbairn Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-22-23-0030

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)**

Respondent's Fiancé, Gina Sage, stated that she hired a contractor who never pulled a permit. Given 90 days to come into compliance, Hearing to impose fine August 26, 2009.

D. DEL-09-094 -Withdrawn

Leslie M. and Robert M. Porter
3164 North Covington Dr., Deltona, Florida 32738
Property Address; 3164 N. Covington Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-32-99-0070

Violation of City of Deltona Ordinance, 66-19(3), which states boats/trailers/recreational vehicles shall not be parked or stored either within a public right of way or within that portion of a lot across the full width of the lot between the front lot line and front most part of the principle structure. **(Enforcement Services Officer Danny Ron)**

E. DEL-09-095

Howard W. Osborne

1416 West Hartley Circle, Deltona, Florida 32725

Property Address: 1416 West Hartley Circle, Deltona, Florida 32725

Parcel No.: 30-18-31-01-13-0500

Violation of City of Deltona Ordinance, Section 14-3(a), it shall be unlawful to keep, maintain or raise in the City the following animals:

Any artiodactyla (even toed) or Perissodactyla (odd toed) ungulate, including but not limited to animals in the genus Bos (cows), all species; Ovis (sheep) and Capra (goats), all species; and all other hoofed animals, along with chickens, roosters, turkeys, peacocks, geese and ducks. **(Enforcement Services Officer Julie Hughes)**

Order issued if property not in compliance, a fine of \$250.00 a day, effective June 23, 2009, with a \$10,000.00 cap. (if the violation is still on this property) An abatement Order will be issued on June 24, 2009 if property still in non compliance.

F. 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)**

Continued.

G. 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)**

Continued.

H. 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)**

Continued.

I. 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)**

Continued.

J. 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)**

Continued.

K. 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)**

Continued.

L. DEL-09-102

Edwin Encarnacion

2400 Eldridge St., Deltona, Florida 32738-1837

Property Address: 2400 Eldridge St., Deltona, Florida 32738-1837

Parcel No.: 30-18-31-33-17-0010

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 addition, You require a permit or an extension of this permit. **(Enforcement Services Officer Danny Ron)**

Order of Non Compliance, Hearing to impose fine on July 22, 2009.

11. REPEAT CASES:

12. OTHER BUSINESS:

A. DEL-08-122

Deutsche Bank National Trust Co TR

10801 6th St., #130, Rancho Cucamonga, CA 91730

Property Address: 1130 East Page Drive, Deltona, Florida

Parcel No.: 30-18-31-55-24-0150

Violation of City of Deltona Ordinance, Section 18-5, which adopts 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)**

A Legal Representative of Deutsche Bank National Trust Co TR, (Law Offices of David J. Schneid) has/have requested to come before the Special Magistrate for a recommendation to reduce the current \$10,000.00 fine for this violation. Chris Paul was the Legal Representative representing this client. Special Magistrate Cino gave a recommendation for a 75% reduction in fine for a total of \$2,500.00. Mr. Paul was advised to contact the Hearing Clerk to take this case further, to present the case to the City Commission since Mr. Paul was uncertain at the time for scheduling.

B. DEL-08-123

Deutsche Bank National Trust Co TR

10801 6th St., #130, Rancho Cucamonga, CA 91730

Property Address: 1130 East Page Drive, Deltona, Florida

Parcel No.: 30-18-31-55-24-0150

Violation of 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 Danny Ron)**

A Legal Representative of Deutsche Bank National Trust Co TR, (Law Offices of David J. Schneid) has/have requested to come before the Special Magistrate for a recommendation to reduce the current \$10,000.00 fine for this violation. Special Magistrate Cino gave a recommendation for a 75% reduction in fine for a total of \$2,500.00. Mr. Paul was advised to contact the Hearing Clerk to take this case further, to present the case to the City Commission, since Mr. Paul was uncertain at the time for scheduling.

C. DEL-09-103 (Emergency Hearing due to Safety Concerns)

Gladys Falcon and Reynaldo Rangel

37 South Courtland Blvd., Deltona, Florida 32738

Property Address: 37 South Courtland Blvd., Deltona, Florida 32738

Parcel No.: 30-18-31-63-29-0010

Violation of City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 304.15, which states that the exterior of a structure shall be maintained in good repair and all exterior doors and hardware shall be maintained in good condition. **(Enforcement Services Officer Jody Palermo)**

Order of abatement signed, since this is a Health, Safety issue.

D. DEL-09-105 (Emergency Hearing due to Safety Concerns)

Gladys Falcon and Reynaldo Rangel

37 South Courtland Blvd., Deltona, Florida 32738

Property Address: 37 South Courtland Blvd., Deltona, Florida 32738

Parcel No.: 30-18-31-63-29-0010

Violation of City of Deltona Ordinance, Section 18-5, adopting the latest Edition of the International Property Maintenance Code, Section 303.2, which states that private swimming pools, hot tubs and spas, containing more than 24 inches (610 mm) in depth shall be completely surrounded by fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. **(Enforcement Services Officer Jody Palermo)**

Order of abatement signed, since this is a Health, Safety issue.

13. DISCUSSION:

- A) By the Special Magistrate**
- B) By the Enforcement Services Director**

14. ADJOURNMENT: Meeting adjourned at 6:45 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