

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
WEDNESDAY October 28, 2009**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, October 28, 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
Hearing Clerk	Sonjia Kihlmire	Present

Also present were: Enforcement Services Officers, Dennis Mues, Danny Ron, Lonnie Wilson, and Albert Grimsley.

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 September 23, 2009 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of Enforcement Services, Dale Baker, stated under New Business he would like to withdraw case #DEL-09-150.

8. SWEARING IN OF OFFICERS AND WITNESSES:

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

9. OLD BUSINESS:

A. DEL-09-133

Peter and Gloria Pottinger JTRS

172 Ashby Cove Lane, New Smyrna Beach, Florida 32168

Property Address: 1433 Drysdale Drive, Deltona, Florida 32725

Parcel No.: 30-18-31-09-33-0140

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 Lonnie Wilson)**

Case continued for 30 days to allow permitting and completion of retaining wall. A Hearing to impose fine will be scheduled for November 24th, 2009 Code Hearing if no progress is made.

B. DEL-09-140

Charles Norman Boudreau

541 Keystone Terrace, Deltona, Florida 32725

Property Address: 3007 Foxboro Circle, Deltona, Florida 32725

Parcel No.: 30-18-31-39-06-0080

Violation: 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. **(Enforcement Services Officer Lonnie Wilson)**

A verbal Order imposing a \$100.00 a day fine was issued by the Special Magistrate, to be effective November 25th, 2009, if the driveway extension is not completed or repaired. A cap of \$10,000 was so Ordered.

C. DEL-09-142

Property Plus More TR, 2928 Nobleton Trust

915 Doyle Rd., Ste 303-177, Deltona, Florida 32725

Property Address: 2928 Nobleton Street, Deltona, Florida

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

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)**

An Order placing a \$100.00 a day fine was issued, effective October 28, 2009 and to run until the property is in compliance or a cap of \$10,000 is reached.

D. DEL-09-143

Jimil Muhammad Sheikh

1126 Alladin Drive, Deltona, Florida 32725

Property Address: 1126 Alladin Drive, Deltona, Florida 32725

Parcel No.: 30-18-31-07-56-0050

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 Dennis Mues)**

Special Magistrate Charles Cino found this Respondent in non-compliance at the time of the violation and now they are in compliance. The case has been dismissed.

E. DEL-09-145

Madeline Albano

1437 Friedman Rd., Darien Center, NY 14040

Property Address: 1661 N. Merrick Dr., Deltona, Florida

Parcel No.: 30-18-31-16-09-0140

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)**

An Order placing a \$100.00 a day fine was issued, effective October 28, 2009 and to run until the property is in compliance or a cap of \$10,000 is reached.

F. DEL-09-146

Madeline Albano

1437 Friedman Rd., Darien Center, NY 14040

Property Address: 1661 N. Merrick Dr., Deltona, Florida

Parcel No.: 30-18-31-16-09-0140

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 302.3, sidewalks and driveways. All sidewalks, walkways, stairs, driveways and parking spaces shall be kept in a proper state of repair, and maintained free of hazardous conditions. **(Enforcement Services Officer Albert Grimsley)**

An Order placing a \$100.00 a day fine was issued, effective October 28, 2009 and to run until the property is in compliance or a cap of \$10,000 is reached.

10. NEW BUSINESS:

A. DEL-09-148

Reginah O. Akintunde-Akinwole, c/o Tranco Title Inc.

16242 SW 18 Street, Miramar, Florida 33027

Property Address: 1031 Deltona Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-10-11-0150

Violation of City of Deltona Ordinance, Section 38-110(1), which states that weeds, where the greater portion of weeds on the lot exceeds 12 inches in height, are declared to be a nuisance and must be abated in their entirety. **(Enforcement Services Officer Albert Grimsley)**

Special Magistrate Charles Cino found this Respondent in non-compliance at the time of the violation and now they are in compliance. The case has been dismissed.

B. DEL-09-149

Reginah O. Akintunde-Akinwole, c/o Tranco Title Inc.
16242 SW 18 Street, Miramar, Florida 33027
Property Address: 1031 Deltona Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-10-11-0150

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)**

The Respondent was found to be in non-compliance and a Hearing to impose a fine will be held November 24, 2009, if the Respondent is still in violation.

C. DEL-09-150

Reginah O. Akintunde-Akinwole, c/o Tranco Title Inc.
16242 SW 18 Street, Miramar, Florida 33027
Property Address: 1031 Deltona Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-10-11-0150

Violation of City of Deltona Ordinance, Section 18-5, reference 305.6, adopting the latest edition of the International Property Maintenance Code, which states that every interior door shall be fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware. **(Enforcement Services Officer Albert Grimsley)**

Case was withdrawn.

D. DEL-09-151

Reginah O. Akintunde-Akinwole, c/o Tranco Title Inc.
16242 SW 18 Street, Miramar, Florida 33027
Property Address: 1031 Deltona Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-10-11-0150

Violation of the City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 504.1, which states all plumbing fixtures shall be properly installed and maintained in working order and shall be kept free from obstruction, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition. **(Enforcement Services Officer Albert Grimsley)**

The Respondent was found to be in non-compliance and a Hearing to impose a fine will be held November 24, 2009, if the Respondent is still in violation.

E. DEL-09-152

**Joey C. Mueller, Hill and Beckman Inc.
3035 Fifer Dr., Deltona, Florida 32738
Property Address: 3035 Fifer Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-34-24-0230**

Violation of City of Deltona Ordinance, Section 38-110(1), which states that weeds, where the greater portion of weeds on the lot exceeds 12 inches in height, are declared to be a nuisance and must be abated in their entirety. 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)**

The Respondent was found to be in non-compliance and a Hearing to impose a fine will be held January 27, 2009, if the Respondent is still in violation.

F. DEL-09-153

**Joey C. Mueller, Hill and Beckman Inc.
3035 Fifer Dr., Deltona, Florida 32738
Property Address: 3035 Fifer Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-34-24-0230**

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)**

The Respondent was found to be in non-compliance and a Hearing to impose a fine will be held January 27, 2009, if the Respondent is still in violation.

G. DEL-09-155

**Taylor Bean and Whitaker Mortgage Corp.
1417 North Magnolia Ave., Ocala, Florida 33474-9078
Property Address: 2910 Blackburn Ave., Deltona, Florida
Parcel No.: 30-18-31-33-16-0110**

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 Danny Ron)**

The Respondent was found to be in non-compliance and a Hearing to impose a fine will be held November 24, 2009, if the Respondent is still in violation.

11. OTHER BUSINESS:

**A. DEL-09-154 REPEAT (citation #C1161)
Mary Mercer
2333 Idaho Rd., Deltona, Florida 32738**

Property Address: 2333 Idaho Rd., Deltona, Florida 32738
Parcel No.: 30-18-31-74-16-0120

Violation of the City of Deltona Code of Ordinance, Section 14-8(A), it shall be the duty of every owner of any animal or anyone having any animal in his possession or custody to ensure that: (1) The animal is kept restrained. **(Enforcement Services Officer Danny Ron)**

The Respondent was found to be in non-compliance and a Hearing to impose a fine will be held November 24, 2009, if the Respondent is still in violation.

12. DISCUSSION:

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

13. ADJOURNMENT: Meeting adjourned at 6:30 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:

Hearing Clerk, Sonjia Kihlmire