

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

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, January 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
City Attorney	George Trovato	Present
Assistant City Attorney	Randall Hanson	Present
Hearing Clerk	Sonjia Kihlmire	Present

Also present were: Enforcement Services Officers, Dwight Neumeyer, Richard Lovett, Lonnie Wilson, Albert Grimsley, Dennis Mues 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 January 28, 2009 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of Enforcement Services, Dale Baker, stated under Old Business that Officer Richard Lovett requested that case #DEL-08-217 be continued for 60 days. Under new Business, Officer Danny Ron would like withdraw case #DEL-09-022, Officer Lonnie Wilson would like to withdraw case DEL-09-028 and Officer Richard Lovett would like to withdraw case DEL-09-026 and case DEL-09-056.

8. SWEARING IN OF OFFICERS AND WITNESSES:

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

9. OLD BUSINESS:

A. DEL-08-217

Rachel M. Thompson
915 Rockhill St., Deltona, Florida 32725
Property Address: 915 Rockhill St., Deltona, Florida 32725
Parcel No.: 30-18-31-24-03-0180

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 a room enclosure. **(Enforcement Services Officer Richard Lovett)**

Case continued for 60 days, until the April 22, 2009 Code Hearing.

10. NEW BUSINESS:

A. DEL-09-022

US Bank National Association TR
c/o America's Servicing Co
3476 Stateview Blvd., Ft Mill, SC 29715
Property Address: 1889 N. Merrick Dr., Deltona Florida
Parcel No.: 30-18-31-16-25-0080

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 shed. **(Enforcement Services Officer Danny Ron)**

Case Withdrawn.

B. 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)**

Case Continued until the March 25, 2009 Code Hearing.

C. 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)**

Respondents were present and found in Non Compliance. Special Magistrate Charles Cino gave them 90 days to come into compliance and obtain a permit for the addition. He also requested they not use this space until an inspection was made by the City during the permit process to make sure the addition is safe. They agreed. They are to return on May 27, 2009 if not in compliance and a fine may be imposed at that time.

D. DEL-09-026

Modesto Rivera ETALS

2420 Kimberly Dr., Deltona Florida 32738

Property Address: 2420 Kimberly Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-74-31-0180

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

Case withdrawn.

E. DEL-09-028

Richard Emerson

2271 Weatherford Dr., Deltona, Florida 32738

Property Address: 1482 Keeling Dr., Deltona, Florida

Parcel No.: 30-18-31-43-60-0070

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 fencing. **(Enforcement Services Officer Lonnie Wilson)**

Case withdrawn.

F. 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 Hearing to impose fine will be held March 25, 2009 if not in compliance.

G. 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 Hearing to impose fine will be held March 25, 2009 if not in compliance.

H. 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 in non compliance and a Hearing to impose fine will be held March 25, 2009 if not in compliance.

I. 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 in non compliance and a Hearing to impose fine will be held March 25, 2009 if not in compliance.

J. 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)**

Officer Ron stated Respondent working on obtaining a permit with the Building Dept. He continued this case to May 27, 2009.

K. 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 non compliance and a Hearing to impose fine will be held March 25, 2009 if not in compliance.

L. 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)**

Case continued until the March 25, 2009 Code Hearing.

M. 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 found to be in non compliance and a Hearing to impose fine will be held March 25, 2009 if not in compliance.

N. 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 March 25, 2009 Code Hearing.

O. DEL-09-055

Loretta Hall

3089 Riverhead Dr., Deltona, Florida 32738

Property Address: 3089 Riverhead Dr., Deltona, Florida 32738

Parcel No.: 12-18-31-01-01-0070

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 Richard Lovett)**

A fine of \$250.00 a day was so Ordered, with a cap of \$10,000.00. Fine effective immediately and to run until Ms. Hall comes into compliance or the cap is met.

P. DEL-09-056

Joey C. Mueller

3035 Fifer Ave., Deltona, Florida 32738

Property Address: 3035 Fifer Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-34-24-0230

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 carport. **(Enforcement Services Officer Richard Lovett)**

Case was withdrawn.

Q. DEL-09-057

Trends Threads Inc. –Brandywine Realty Management Inc.

C/O Amir Qadir

1235 Providence Blvd., Deltona, Florida 32725

Property Address: 1235 Providence Blvd., Unit R, Deltona, Florida 32725

Parcel No.: 30-18-31-05-0600

Violation of City of Deltona Ordinance, Section 42-186, adopting the Florida Fire Prevention Code, Section 14.4.1*. Means of egress shall be continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency. [101:7.1.10.1]-5. **(Enforcement Services Officer Dennis Mues)**

Case was Dismissed. Respondent found in non compliance at the time of the violation, however is currently now in compliance. If the violation reoccurs, the Respondent may

be brought back before the Special Magistrate with a \$500.00 a day fine possible, as a repeat offender. Mr. Qadir was present for this explanation.

R. DEL-09-058

**Sarah Lynn Cannon and Robert & Kizzie Griffen
2897 West Huron Dr., Deltona, Florida 32738
Property Address: 2897 W. Huron Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-32-89-0060**

Violation of City Of Deltona Ordinance, Section 66-19(3), which states that 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)**

Officer Ron stated this is a problematic property and requested an Abatement Order for the “vehicles” parked incorrectly at this location. Mr. Cino so Ordered a tow Order for improperly parked vehicles at this address effective immediately.

11. REPEAT CASES:

12. OTHER BUSINESS:

A. Request for Hearing for a recommendation to reduce or waive fines/judgments/liens at the property located at 1685 Brewton Circle, Deltona, Florida. Recipient is JP Morgan Chase Bank N.A., as Trustee for Residential Funding LLC f/k/a Residential Funding Corporation, Cathy Crawford, Assistant Vice-President representative and N. Alejandra Arroyave Esq., legal representative.

DEL-06-079 – lien generated by the broken windows/doors, (boarded up) creating a safety issue and possible vandalism. (SAL-75-06) (\$586.15 plus interest)

DEL-08-185 - no numeric address on the structure. (\$5,600.00)

DEL-08-186 – exterior walls damaged –holes breaks and loose or rotting surfaces. (\$10,000.00)

DEL-08-188 – doors not sealed or weatherproof. (\$10,000.00)

DEL- 08-189 - windows not weather tight, some needed replaced. (\$10,000.00)

Per the Special Magistrate’s Order(s), which state “This/These Order(s) can be recorded and shall then constitute a lien for all the accrued fines against the above described property that the violator owns in Volusia County where recorded pursuant to Section 162.09 of the Florida Statutes. This Order can be recorded and shall then constitute a lien for all accrued fines against the above described property and any other real or personal property that the violator owns in Volusia County, therefore case # DEL-08-125, 3216 South Dorchester Dr., Deltona, Florida, (\$10,000.00) is also included in this request for recommendation of reduction in fines.

The Representative of JP Morgan, stated that her client would like a recommendation for a reduction in fine for these liens/judgments to equal 75% to

50%, of the total costs. The Special Magistrate agreed with a 50% reduction. Ms. Arroyave Esq. was advised that she will be put on the March 16, 2009 Commission Agenda.

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:

Sonjia Kihlmire, Hearing Clerk