



# City of Deltona

2345 Providence Blvd.  
Deltona, FL 32725

## Minutes

### Special Magistrate

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**Wednesday, May 25, 2016**

**5:30 PM**

**Deltona Commission Chambers**

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#### **1. CALL TO ORDER:**

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

#### **2. PLEDGE TO THE FLAG:**

#### **3. ROLL CALL:**

Special Magistrate Charles Cino present.

Hearing Clerk Dana Johnson present.

Enforcement Services Supervisors Mark Gibson and Richard Lovett were present.

#### **4. SPECIAL MAGISTRATE STATEMENT:**

Presented by Charles Cino.

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

#### **5. DISCLOSURE OF EX PARTE COMMUNICATIONS:**

None.

#### **6. APPROVAL OF AGENDA & MINUTES:**

The Minutes of the Special Magistrate Hearing for April 27, 2016 were approved by the Special Magistrate, Charles Cino.

#### **7. ANNOUNCEMENTS:**

The Supervisor of the Building and Enforcement Services Department stated that under Old Business, cases(s) DEL-16-095 is/was in compliance and DEL-16-103 is/was continued, and under New Business, case(s) DEL-16-113 and DEL-16-115, and DEL-16-122 were found to be in non compliance at the time of violation, came into compliance and cases are/were dismissed, and case(s) DEL-16-116 and DEL-16-118 are/were withdrawn.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-16-010****Harmony Clinic****% H Lester Carrero****1948 Saxon Blvd., Deltona, Florida 32725****Property Address: 1948 Saxon Blvd., Deltona, Florida 32725****Parcel No.: 30-18-31-03-37-0090**

**Violation: 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. (Officer Dennis Mues)**

Third Amended Order of Non Compliance with a Hearing to Impose Fine at the June 22, 2016 Code Hearing. Ron Paradise, City of Deltona Planning and Zoning, H. Lester Carrero, and Attorney Hector Cuprill were present and gave testimony.

**B. DEL-16-073****Harmony Clinic****% H Lester Carrero****1948 Saxon Blvd., Deltona, Florida 32725****Property Address: 1948 Saxon Blvd., Deltona, Florida 32725****Parcel No.: 30-18-31-03-37-0090**

**Violation: City of Deltona Ordinance, Chapter 22, Section 22-4, which states no person shall engage in, manage, transact, or carry on any business, occupation or profession within the City for which there is a local business tax required by this article or any other provisions of this Code unless such person shall first procure a local business receipt ("receipt") to conduct the same from the City. It shall be no defense of nonpayment of any local business tax required by this article that the licensee did not receive any bill or notice that the same was due from the city. (Officer Dennis Mues)**

Continued.

**C. DEL-16-081****TNT Real Estate Investors & Development LLC****2651 Cedar Bluff Ln., Ocoee, FL 34761****Property Address: 1629 Bloomfield Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-72-03-0080**

**Violation: 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. (Officer Tray Black)**

Affidavit of Compliance submitted by the officer and an Order of Compliance was signed by the Special Magistrate.

**D. DEL-16-088****Randall & Audrey Freebersyser****1188 Lawrence Ave., Deltona, Florida 32725-5717****Property Address: 1188 Lawrence Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-02-20-0170**

**Violation: 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 material intended to be used in fireplaces or other permitted burning facilities, shall be permitted only in the rear yard to the rear wall of the home. (Officer Heather Murray)**

First Amended Order of Non Compliance with a Hearing to Impose Fine at the June 22, 2016 Code Hearing.

**E. DEL-16-089****Randall & Audrey Freebersyser****1188 Lawrence Ave., Deltona, Florida 32725-5717****Property Address: 1188 Lawrence Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-02-20-0170**

**Violation: 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. (Officer Heather Murray)**

First Amended Order of Non Compliance with a Hearing to Impose Fine at the June 22, 2016 Code Hearing.

**F. DEL-16-091****US Bank National Association****425 Walnut Street, Cincinnati, OH 45202****Property Address: 2062 Jessamine Ct., Deltona, Florida 32738****Parcel No.: 30-18-31-74-55-0260**

**Violation: City of Deltona Ordinance, Section 37-8. - Security requirements. (c) If a distressed property shows evidence of vacancy, or the property is blighted, the property manager designated by the mortgagee shall perform the work necessary to bring the property into compliance with the applicable codes, and the property manager must perform regular exterior inspections, no less often than every 30 days, to verify compliance with the requirements of this chapter, and any other applicable laws. (Officer Steve Braukhoff)**

First Amended Order of Non Compliance with a Hearing to Impose Fine at the June 22, 2016 Code Hearing.

**G. DEL-16-092****Monica Ramonita Arbello****1509 Gainesville Dr., Deltona, Florida 32725-6043****Property Address: 1509 Gainesville Dr., Deltona, Florida 32725****Parcel No.: 30-18-31-72-20-0070**

**Violation: City of Deltona Ordinance, Section 18-5, which adopting 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 and sound structural condition. (Officer Danny Ron)**

Order Imposing Penalty/Lien was issued for \$100.00 a day (each case) effective May 25, 2016 until in compliance or the cap of \$10,000.00 (each case) is reached.

**H. DEL-16-093****Monica Ramonita Arbello****1509 Gainesville Dr., Deltona, Florida 32725-6043****Property Address: 1509 Gainesville Dr., Deltona, Florida 32725****Parcel No.: 30-18-31-72-20-0070**

**Violation: City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 304.7, 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. (Officer Danny Ron)**

Order Imposing Penalty/Lien was issued for \$100.00 a day (each case) effective May 25, 2016 until in compliance or the cap of \$10,000.00 (each case) is reached.

**I. DEL-16-095****Jennifer Pugliese****2938 Clovis Dr., Deltona, Florida 32738****Property Address: 2938 Clovis Dr., Deltona, Florida 32738****Parcel No.: 30-18-31-41-43-0070**

**Violation: 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 in the side or rear yard. (Officer Dennis Mues)**

Affidavit of Compliance submitted by the officer and an Order of Compliance was signed by the Special Magistrate.

**J. DEL-16-097****Larry W. Gregg****2046 Pembroke St., Deltona, Florida 32738****Property Address: 2046 Pembroke St., Deltona, Florida 32738****Parcel No.: 30-18-31-31-08-0130**

**Violation: City of Deltona Ordinance, Section 18-5, reference to 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. (Officer Tray Black)**

Order Imposing Penalty/Lien was issued for \$100.00 a day (each case) effective May 25, 2016 until in compliance or the cap of \$20,000.00 (each case) is reached.

**K. DEL-16-098****Larry W. Gregg****2046 Pembroke St., Deltona, Florida 32738****Property Address: 2046 Pembroke St., Deltona, Florida 32738****Parcel No.: 30-18-31-31-08-0130**

**Violation: City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 304.2, 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. (Officer Tray Black)**

Order Imposing Penalty/Lien was issued for \$100.00 a day (each case) effective May 25, 2016 until in compliance or the cap of \$20,000.00 (each case) is reached.

**L. DEL-16-099****Anthony Miranda****1826 Belspring Ave., Deltona, Florida 32725****Property Address: 1826 Belspring Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-65-04-0170**

**Violation: 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. (Officer Tray Black)**

Order Imposing Penalty/Lien was issued for \$100.00 a day (each case) effective May 25, 2016 until in compliance or the cap of \$20,000.00 (each case) is reached.

**M. DEL-16-100****Anthony Miranda****1826 Belspring Ave., Deltona, Florida 32725****Property Address: 1826 Belspring Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-65-04-0170**

**Violation: 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. (Officer Tray Black)**

Order Imposing Penalty/Lien was issued for \$100.00 a day (each case) effective May 25, 2016 until in compliance or the cap of \$20,000.00 (each case) is reached.

**N. DEL-16-102****Ronald & Norma Vidaurre H&W****879 E. Fairbairn Dr., Deltona, Florida 32725****Property Address: 879 E. Fairbairn Dr., Deltona, Florida 32725****Parcel No.: 30-18-31-22-23-0120**

**Violation: City of Deltona Ordinance, Section 38-73. - Loud, disturbing or unnecessary noises: (c) Thus, the following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article; but this enumeration shall not be deemed to be exclusive: (5) The using, operating or permitting to be played, used or operated of any radio, television, tape or record player, amplifier, musical instrument or other machine or device used for the production, reproduction or emission of sound. (Officer Heather Murray)**

Case was continued until the July 27, 2016 Code Hearing. Ronald & Norma Vidaurre H&W and their interpreter, Thomas Pajak, and Tim Duckworth were present and gave testimony.

**O. DEL-16-103****Constance Hollish****439 Morningview Ave., Akron, OH 44305****Property Address: 949 N. Village Dr., Deltona, Florida 32725****Parcel No.: 30-18-31-11-29-0120**

**Violation: City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 304.7, 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. (Officer Tray Black)**

Case was continued until the June 22, 2016 Code Hearing.

**P. DEL-16-104****Carl & AnnMarie Matthews****2552 Vaughn Ave., Deltona, Florida 32725-2219****Property Address: 2552 Vaughn Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-71-32-0190**

**Violation: 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 in good repair. (Officer Danny Ron)**

Order Imposing Penalty/Lien was issued for \$50.00 a day (per case) effective May 25, 2016 until in compliance or the cap of \$10,000.00 (per case) is reached.

**Q. DEL-16-105****Carl & AnnMarie Matthews****2552 Vaughn Ave., Deltona, Florida 32725-2219****Property Address: 2552 Vaughn Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-71-32-0190**

**Violation: 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. (Officer Danny Ron)**

Order Imposing Penalty/Lien was issued for \$50.00 a day (per case) effective May 25, 2016 until in compliance or the cap of \$10,000.00 (per case) is reached.

**R. DEL-16-106****Carl & AnnMarie Matthews****2552 Vaughn Ave., Deltona, Florida 32725-2219****Property Address: 2552 Vaughn Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-71-32-0190**

**Violation: City of Deltona Ordinance, Section 18-5, which adopting 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 and sound structural condition. (Officer Danny Ron)**

Order Imposing Penalty/Lien was issued for \$50.00 a day (per case) effective May 25, 2016 until in compliance or the cap of \$10,000.00 (per case) is reached.

**10. NEW BUSINESS:****A. DEL-16-113****Janice B. & James L. Medlock****1032 Kenmore St., Deltona, Florida 32725****Property Address: 1032 Kenmore St., Deltona, Florida 32725****Parcel No.: 30-18-31-05-62-0060**

**Violation: 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. (Officer Heather Murray)**

Found to be in Non-Compliance, executed actions to come into Compliance and case was Dismissed.

**B. DEL-16-114****Wesley Arp****311 Maquire St., Deltona, Florida 32725****Property Address: 311 Maquire St., Deltona, Florida 32725****Parcel No.: 30-18-31-52-02-0010**

**Violation: City of Deltona Ordinance, Section 18-5, which adopting 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 and sound structural condition. (Officer Heather Murray)**

Order of Non Compliance with a Hearing to Impose Fine at the June 22, 2016 Code Hearing.

**C. DEL-16-115****Orforiland Premium LLC****1313 N. Market St. Ste. 5100, Wilmington, DE 19801****Property Address: 1490 Courtland Blvd., Deltona, Florida 32738****Parcel No.: 30-18-31-47-06-0020**

**Violation: City of Deltona Ordinance, Section 18-5, which adopting 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 and sound structural condition. (Danny Ron)**

Found to be in Non-Compliance, executed actions to come into Compliance and case was Dismissed.

**D. DEL-16-116****Edmond T. Przonek****221 Hedgewood Ave., Deltona, Florida 32738-9196****Property Address: 221 Hedgewood Ave., Deltona, Florida 32738****Parcel No.: 30-18-31-63-08-0080**

**Violation: City of Deltona Ordinance, Section 37-10. - Public nuisance. All blighted and distressed real properties are hereby declared to be public nuisances, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the city. (Richard Lovett)**

Withdrawn.

**E. DEL-16-117****Jose A. Sr. & Irene R. Pagan****951 Prescott Blvd., Deltona, Florida 32738-6711****Property Address: 951 Prescott Blvd., Deltona, Florida 32738****Parcel No.: 30-18-31-41-69-0200**

**Violation: City of Deltona Ordinance, Section 37-10. - Public nuisance. All blighted and distressed real properties are hereby declared to be public nuisances, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the city. (Richard Lovett)**

Order of Non Compliance issued by Special Magistrate.

**F. DEL-16-118****Harry & Saprina Franklin****% SW Vol. Habitat for Humanity****PO Box 740166, Orange City, Florida 32774-0166****Property Address: 2530 Captain Dr., Deltona, Florida 32738****Parcel No.: 30-18-31-54-28-0110**

**Violation: 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. (Julie Hughes)**

Withdrawn.

**G. DEL-16-120****David P. Csokasy & Cathy Stevens****362 Fisher Dr., Deltona, Florida 32725****Property Address: 362 Fisher Dr., Deltona, Florida 32725****Parcel No.: 30-18-31-12-21-0150**

**Violation: City of Deltona Ordinance, Section 18-5, which adopting 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 and sound structural condition. (Jeff Scott)**

Order of Non Compliance with a Hearing to Impose Fine at the June 22, 2016 Code Hearing.

**H. DEL-16-122**

**Victor J & Herny L. Alicea**

**41 Cunningham Rd., Debary, Florida 32713**

**Property Address: 600 E. Normandy Blvd., Deltona, Florida 32725**

**Parcel No.: 30-18-31-01-11-0320**

**Violation: City of Deltona Ordinance, Section 18-5, which adopting 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 and sound structural condition.(Jeff Scott)**

Found to be in Non-Compliance, executed actions to come into Compliance and case was Dismissed.

**11. OTHER AND REPEAT BUSINESS:**

**12. DISCUSSION:**

**13. ADJOURNMENT:**

5:59 p.m.