



# City of Deltona

2345 Providence Blvd.  
Deltona, FL 32725

## Minutes Special Magistrate

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Wednesday, May 27, 2015

5:30 PM

Council 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  
Assistant Hearing Clerk Damaris Miranda Present  
Enforcement Services Supervisor Mark Gibson Present

Also present were: Enforcement Services Officers Shawn Riggins, Shanna Hogan, Dennis Mues, Lonnie Wilson, Heather Murray, Tray Black, Danny Ron, Enforcement Services Supervisor Richard Lovett and Building Official Steve Roland.

### 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: Meeting Minutes of April 22, 2015

The Minutes of the Special Magistrate Hearing for April 22, 2015 were approved by the Special Magistrate, Charles Cino.

### 7. ANNOUNCEMENTS:

The Supervisor of the Building and Enforcement Services Department stated that under Old Business, case(s) DEL-15-100 is now in compliance, and under New Business case(s) DEL-15-121, DEL-15-123, DEL-15-134, and DEL-15-135 are/were withdrawn, and DEL-15-126, DEL-15-128, and DEL-15-129 were found to be in non compliance at the time of the

violation, came into compliance and cases are/were dismissed, and DEL-15-133 is continued, and under Other and Repeat Business case(s) CE-2015-01564 is/was withdrawn.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-15-096

Gregory & Marion S. Vilecco

1179 Fountainhead Dr., Deltona, Florida 32725-6353

Property Address: 1179 Fountainhead Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-10-19-0200

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 Shawn Riggins)

Order Imposing Penalty/Lien was issued for \$50.00 a day effective May 27, 2015 until in compliance or the cap of \$20,000.00 is reached.

B.

DEL-15-097

Gregory & Marion S. Vilecco

1179 Fountainhead Dr., Deltona, Florida 32725-6353

Property Address: 1179 Fountainhead Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-10-19-0200

Violation of 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. (Enforcement Services Officer Shawn Riggins)

Order Imposing Penalty/Lien was issued for \$50.00 a day effective May 27, 2015 until in compliance or the cap of \$20,000.00 is reached.

C.

DEL-15-100

Michael J. Chimento

955 S. Dean Cir., Deltona, Florida 32738

Property Address: 955 S. Dean Cir., Deltona, Florida 32738

Parcel No.: 30-18-31-40-44-0120

Violation of 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 – permit for awning attached to shed. (Enforcement Services Officer Shanna Hogan)

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

D.

DEL-15-109

Hometown Community Development Corp.  
8711 Monroe Ct. Ste. A, Rancho Cucamonga, CA 91730  
Property Address: 1424 Meadowlark Dr., Deltona, Florida 32725  
Parcel No.: 30-18-31-07-52-0170

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)

Order Imposing Penalty/Lien was issued for \$50.00 a day effective May 27, 2015 until in compliance or the cap of \$20,000.00 is reached. Order to Abate was issued by the Special Magistrate effective May 27, 2015.

E.

DEL-15-110

Hometown Community Development Corp.  
8711 Monroe Ct. Ste. A, Rancho Cucamonga, CA 91730  
Property Address: 1424 Meadowlark Dr., Deltona, Florida 32725  
Parcel No.: 30-18-31-07-52-0170

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. (Enforcement Services Officer Dennis Mues)

Order Imposing Penalty/Lien was issued for \$50.00 a day effective May 27, 2015 until in compliance or the cap of \$20,000.00 is reached.

F.

DEL-15-113

Brian K. Bromagen  
1195 Acorn Ct., Deltona, Florida 32725  
Property Address: 1197 Acorn Ct., Deltona, Florida 32725  
Parcel No.: 30-18-31-02-20-0270

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

Order Imposing Penalty/Lien was issued for \$50.00 a day effective June 6, 2015 until in compliance or the cap of \$20,000.00 is reached. Brian Bromagen and Heather Murray gave testimony.

G.

DEL-15-114

Brian K. Bromagen

1195 Acorn Ct., Deltona, Florida 32725

Property Address: 1197 Acorn Ct., Deltona, Florida 32725

Parcel No.: 30-18-31-02-20-0270

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)

Order Imposing Penalty/Lien was issued for \$50.00 a day effective June 6, 2015 until in compliance or the cap of \$20,000.00 is reached. Brian Bromagen and Officer Heather Murray gave testimony.

#### 10. NEW BUSINESS:

A.

DEL-15-087

Richard D., Sr., & Betty Moreland

1419 E. Hancock Dr., Deltona, Florida 32725

Property Address: 1419 E. Hancock Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-30-19-0100

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, unless parked in a fully enclosed garage. (Enforcement Services Officer Heather Murray)

Order of Non Compliance with Hearing to Impose Fine at the June 24, 2015 Special Magistrate Code Hearing.

B.

DEL-15-108

Robert M. & Martha M. Jones

888 Mentmore Cir, Deltona, Florida 32738

Property Address: 888 Mentmore Cir., Deltona, Florida 32738

Parcel No.: 30-18-31-41-09-0150

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 (Enforcement Services Officer Tray Black)

Order of Non Compliance with Hearing to Impose Fine at the June 24, 2015 Special Magistrate Code Hearing.

C.

DEL-15-116

Lucien & Huguette M. Suprice

3170 Phonetia Dr., Deltona, Florida 32738-9421

Property Address: 3170 Phonetia Dr., Deltona, Florida 32738-9421

Parcel No.: 30-18-31-42-04-0160

Violation: City of Deltona Ordinance, Sec. 66-16. - Parking on parkways. For the purpose of this section, "right-of-way" is defined as that area from the property line to the edge of the pavement of a roadway, including any grassy or unpaved median between two paved areas. It shall be unlawful for any person to park any motor vehicle in or on a right-of-way unless the motor vehicle is parked headed in the direction of traffic. It shall be unlawful for any person to park any motor vehicle in or on a right-of-way for more than two days in a seven-day period. (Enforcement Services Officer Shanna Hogan)

Order of Non Compliance with Hearing to Impose Fine at the June 24, 2015 Special Magistrate Code Hearing. Huguette M. Suprice was present and presented testimony.

D.

DEL-15-117

Nathaniel W. Jones, Jr.

PO Box 5561, Deltona, Florida 32728

Property Address: 2881 Gallup Ct., Deltona, Florida 32738

Parcel No.: 30-18-31-41-40-0130

Violation: 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 Shanna Hogan)

Order to Abate was issued by the Special Magistrate effective May 27, 2015.

E.

DEL-15-118

Elizabeth Whittemore & Robert Tardif

1396 Hartley Ave., Deltona, Florida 32725  
Property Address: 1396 Hartley Ave., Deltona, Florida 32725  
Parcel No.: 30-18-31-01-12-0420

Violation of City of Deltona Ordinance, Section 38-73. - Loud, disturbing or unnecessary noises. (a) Some sounds may be such that they are not measurable or may not exceed the limits set out in this article, but they may be excessive, unnatural, prolonged, unusual and are a detriment to the public health, comfort, convenience, safety, welfare or prosperity of the residents of the city. (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. (Enforcement Services Officer Lonnie Wilson)

Case continued to the June 24, 2015 Special Magistrate Code Hearing. Robert Tardif was present and complainant Robert Mertens gave testimony.

F.

DEL-15-119  
Christiana Trust TR  
% Lender Legal Services LLC  
201 E. Pine St., Ste. 730, Orlando, Florida 32801  
Property Address: 1315 Deltona Blvd., Deltona, Florida 32725  
Parcel No.: 30-18-31-10-18-0020

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. (Enforcement Services Officer Danny Ron)

Order of Non Compliance with Hearing to Impose Fine at the June 24, 2015 Special Magistrate Code Hearing.

G.

DEL-15-120  
Christiana Trust TR  
% Lender Legal Services LLC  
201 E. Pine St., Ste. 730, Orlando, Florida 32801  
Property Address: 1315 Deltona Blvd., Deltona, Florida 32725  
Parcel No.: 30-18-31-10-18-0020

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. (Enforcement Services Officer Danny Ron)

Order of Non Compliance with Hearing to Impose Fine at the June 24, 2015 Special Magistrate Code Hearing.

H.

DEL-15-121

Arthur Ed Blanton ETAL

1187 Bancroft St., Deltona, Florida 32725

Property Address: 1187 Bancroft St., Deltona, Florida 32725

Parcel No.: 30-18-31-07-59-0210

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. (Enforcement Services Officer Danny Ron)

Withdrawn.

I.

DEL-15-122

Arthur Ed Blanton ETAL

1187 Bancroft St., Deltona, Florida 32725

Property Address: 1187 Bancroft St., Deltona, Florida 32725

Parcel No.: 30-18-31-07-59-0210

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. (Enforcement Services Officer Danny Ron)

Order of Non Compliance with Hearing to Impose Fine at the June 24, 2015 Special Magistrate Code Hearing.

J.

DEL-15-123

Arthur Ed Blanton ETAL

1187 Bancroft St., Deltona, Florida 32725

Property Address: 1187 Bancroft St., Deltona, Florida 32725

Parcel No.: 30-18-31-07-59-0210

Violation: City of Deltona Ordinance, Section 18-5, reference to 604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected

to eliminate the hazard. (Enforcement Services Officer Danny Ron)

Withdrawn.

K.

DEL-15-124

Arthur Ed Blanton ETAL

1187 Bancroft St., Deltona, Florida 32725

Property Address: 1187 Bancroft St., Deltona, Florida 32725

Parcel No.: 30-18-31-07-59-0210

Violation: City of Deltona Ordinance, Section 18-5, reference to 305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. (Enforcement Services Officer Danny Ron)

Order of Non Compliance with Hearing to Impose Fine at the June 24, 2015 Special Magistrate Code Hearing.

L.

DEL-15-125

Jackie Laverne and Thurmond F. Johnson EST

3679 Pamona St., Deltona, Florida 32738-9032

Property Address: 3679 Pamona St., Deltona, Florida 32738

Parcel No.: 30-18-31-62-35-0110

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 - permit for garage enclosure. (Enforcement Services Officer Shanna Hogan)

Order of Non Compliance with Hearing to Impose Fine at the June 24, 2015 Special Magistrate Code Hearing.

M.

DEL-15-126

US Mortgage Financing II LLC

114 S. Fremont Ave., Tampa, Florida 33606

Property Address: 913 Millenbeck Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-66-07-0110

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. (Enforcement Services Officer Heather Murray)

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

N.

DEL-15-128

Nikki and Lonnie Lee Greenwood

821 Abbot Ave., Deltona, Florida 32725

Property Address: 821 Abbot Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-07-30-0020

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. (Enforcement Services Officer Heather Murray)

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

O.

DEL-15-129

David L. and Dorothy E. Zugner

3759 Sunnyside St., Shrub Oak, New York 10588

Property Address: 142 Lullwater St., Deltona, Florida 32725

Parcel No.: 30-18-30-05-02-0050

Violation: City of Deltona Ordinance, Section 38-114, which states that storage of building materials, commercial and industrial equipment, materials, objects or waste relating to commercial or industrial uses, or any equipment, materials or objects that are not incidental to a residential use, shall be prohibited.(Enforcement Services Officer Heather Murray)

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

P.

DEL-15-130

Deborah Jean Robinson

502 Giralda Ave., Deltona, Florida 32725-8321

Property Address: 502 Giralda Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-05-24-0160

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. (Enforcement Services Officer Heather Murray)

Order of Non Compliance with Hearing to Impose Fine at the June 24,

## 2015 Special Magistrate Code Hearing.

Q.

DEL-15-131  
Saxon Marketing LLC  
2824 Lemoyne Ave., Syracuse, New York 13211  
Property Address: 3049 Bonkirk Dr., Deltona, Florida 32738  
Parcel No.: 30-18-31-39-05-0140

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 - permit for A/C. (Enforcement Services Officer Danny Ron)

Order of Non Compliance with Hearing to Impose Fine at the June 24, 2015 Special Magistrate Code Hearing.

R.

DEL-15-133  
Michael E. and Jesse W. Fulford  
980 Hanford Dr., Deltona, Florida 32738  
Property Address: 980 Hanford Dr., Deltona, Florida 32738  
Parcel No.: 30-18-31-44-15-0010

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 - permit for screened wood structure. (Enforcement Services Officer Dennis Mues)

Case was continued until the June 24, 2015 Code Hearing.

S.

DEL-15-134  
Samantha D. Woodyard  
2530 Omaha Dr., Deltona, Florida 32738  
Property Address: 2530 Omaha Dr., Deltona, Florida 32738  
Parcel No.: 10-18-31-01-01-0300

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 - permit for chain link fence. (Enforcement Services Officer Dennis Mues)

Withdrawn.

T.

DEL-15-135

Diane and Glenn Hundley

2910 Arrendonda Dr., Deltona, Florida 32738

Property Address: 2910 Arrendonda Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-59-46-0120

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 - permit for shed. (Enforcement Services Officer Shanna Hogan)

Withdrawn.

#### 11. OTHER AND REPEAT BUSINESS:

A.

CE-2015-01564

Request for Hearing by Attorney Herbert Zischkau III,

Representing Nick O'Brien

Preferred Trust CO, FBO Keith J. Boyd IRA

2471 W. Horizon Ridge Pkwy #100, Henderson, NV 89052

Property Address: 2588 Fair Oaks Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-54-05-0030

Violation of City of Deltona Ordinance, Section 66-63 - Abandoned, untagged, wrecked, discarded, junked, inoperative, or partially dismantled vehicle(s) or vessel(s) and/or part(s) thereof on private residential property. (Enforcement Services Officer Dave DeKruif)

Withdrawn.

B.

Parking Ticket #11584 issued March 16, 2015

Request for Hearing by Michael L. Robb

3328 Merchant Terr., Deltona, Florida 32725

Violation of City of Deltona Ordinance, Section 66-8, no person shall stop, stand or park a vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officers or traffic-control device in any of the following places (3) in front of a public or private driveway in a manner that obstructs either the driveway or obstructs the view of other vehicles from the driveway. (Volusia County Sheriff Deputy Whitson)

Special Magistrate found in favor of Michael Robb and found him not guilty and case was dismissed. Deputy Whitson and Michael L. Robb gave testimony.

12. DISCUSSION:

13. ADJOURNMENT:

6:47PM

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 upon 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, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.

[Handwritten Signature]

6/11/15

[Handwritten Signature]

6/4/15