

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
Wednesday, May 25, 2011**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, May 25, 2011 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
Hearing Clerk	Sonjia Kihlmire	Present
Administrative Staff	Renee Richardson	Present

Also present were: Enforcement Services Officers; Danny Ron, Richard Lovett, Shanna Seda, and Julie Hughes.

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 27, 2011 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of Enforcement Services, Dale Baker, stated under Old Business, case DEL-11-006 are in compliance and an Affidavit of Compliance has been submitted for recording. Under New Business, case DEL-11-071 and case DEL-11-072 have been withdrawn.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-11-006

Stephanie A. Cox and Oleta J. Warren JTWROS
1526 Agatha Dr., Deltona, Florida 32725-4576
Property Address: 1526 Agatha Dr., Deltona, Florida 32725-4576
Parcel No.: 30-18-31-07-67-0310

Violation of City of Deltona Ordinance, Section 18-3 which adopts 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 or demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter or repair, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for the dock at this property. **(Enforcement Services Officer Julie Hughes)**

Order of Compliance.

B. DEL-11-041

John Tyminski
3032 Kirkland St., Deltona, Florida 32738
Property Address: 3032 Kirkland St., Deltona, Florida 32738
Parcel No.: 30-18-31-32-11-0130

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 Richard Lovett)**

Order of \$100.00 a day fine, effective 5/25/11, to run until property in compliance or a \$10,000.00 cap is reached.

C. DEL-11-046

Shaun Borelli
2797 Jewel Ave., Deltona, Florida 32738
Property Address: 2797 Jewel Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-32-45-0130

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 Richard Lovett)**

Order of Compliance.

D. DEL-11-048

Hector L. and Hector V. Sr. Rodriguez and Hilda Rodriguez
3114 Lynnhaven St., Deltona, Florida 32738
Property Address: 3114 Lynnhaven St., Deltona, Florida 32738
Parcel No.: 30-18-31-68-09-0120

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 on the property. **(Enforcement Services Officer Richard Lovett)**

Order of Compliance.

E. DEL-11-049

Brian Houston
209 Fallsway Lane, Stafford, VA 22554
Property Address: 1083 Swanson Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-13-14-0210

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 for large storage container/structure in the rear yard. **(Enforcement Services Officer Julie Hughes)**

Ms. Houston was present and showed Bill of Sale. Mr. Cino gave a 30 day extension to get the storage container removed by the Respondents and new owners.

F. DEL-11-052

Gregory and John Cholewin, Valerie Brown and Patricia Renner
2905 Cottdale Dr., Deltona, Florida 32738
Property Address: 2905 Cottdale Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-32-53-0140

Violation of the City of Deltona Ordinance, Section 18-5, reference 304.2, adopting the latest edition of the International Property Maintenance Code, which states that all exterior surfaces, including but not limited to, doors, garage 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 Albert Grimsley)**

Hearing to impose fine was continued until the June 22, 2011. Mr. John Cholewin was present.

G. DEL-11-053

**Gregory and John Cholewin, Valerie Brown and Patricia Renner
2905 Cottondale Dr., Deltona, Florida 32738
Property Address: 2905 Cottondale Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-32-53-0140**

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

Hearing to impose fine was continued until the June 22, 2011. Mr. John Cholewin was present.

H. DEL-11-062

**Fanny Perez
9216 Amity Court, Orlando, Florida 32817
Property Address: 2012 Elkcam Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-31-12-0110**

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 on the property. **(Enforcement Services Officer Richard Lovett)**

Order to impose fine effective May 26, 2011. Fine of \$100.00 a day to run until violation is corrected or a cap of \$10,000.00 is met. Possible Tow Order if property remains in violation.

I. DEL-11-063

**Fanny Perez
9216 Amity Court, Orlando, Florida 32817
Property Address: 2012 Elkcam Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-31-12-0110**

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 Richard Lovett)**

Order to impose fine effective May 26, 2011. Fine of \$100.00 a day to run until violation is corrected or a cap of \$10,000.00 is met.

10. NEW BUSINESS:

A. DEL-11-070

Aviana LLC

851 Arlene Dr., Deltona, Florida 32725

Property Address: 842 Elkcam Blvd., Deltona, Florida 32725

Parcel No.: 18-18-31-03-01-0230

Violation of City of Deltona Ordinance, Section 58-31, which states that the use of any City right-of-way, without prior written consent of the City, shall be prohibited. {Driveway into vacant parcel from East Firwood Dr., without a permit} **(Enforcement Services Officer Shanna Seda)**

Dismissed.

B. DEL-11-071

Michael Drogo

876 Vercelli St., Deltona, Florida 32725

Property Address: 876 Vercelli St., Deltona, Florida 32725

Parcel No.: 30-18-31-03-48-0120

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 Shanna Seda)**

Withdrawn.

C. DEL-11-072

Michael Drogo

876 Vercelli St., Deltona, Florida 32725

Property Address: 876 Vercelli St., Deltona, Florida 32725

Parcel No.: 30-18-31-03-48-0120

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

Withdrawn.

D. DEL-11-073

Charles B. and Geraldine Harford

2170 Glenlock Dr., Deltona, Florida 32725

Property Address: 2170 Glenrock Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-53-39-0150

Violation of City of Deltona Ordinance, Section 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 Richard Lovett**)

Dismissed.

E. DEL-11-074

Rhonda L. Harper

2936 Chalmer St., Deltona, Florida 32738

Property Address: 2936 Chalmer St., Deltona, Florida 32738

Parcel No.: 30-18-31-34-34-0120

Violation of the City of Deltona Ordinance, Section 18-5, reference 304.6, adopting the latest edition of the International Property Maintenance Code, which states that all 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**)

Order of Non Compliance, Hearing to impose fine slated for June 22, 2011 Code Hearing.

F. DEL-11-075

Jannie D. Walker

2944 Chalmer St., Deltona, Florida 32738-1390

Property Address: 2944 Chalmer St. Deltona, Florida 32738

Parcel No.: 30-18-31-34-34-0130

Violation of the City of Deltona Ordinance, Section 18-5, reference 304.6, adopting the latest edition of the International Property Maintenance Code, which states that all 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**)

Ms. Jannie Walker (Johnson), was present and requested an extension to complete the repairs to her home. Found in Non Compliance with a Hearing to impose fine slate for July 27, 2011.

G. DEL-11-076

Tabitha F. Ligenzowski

2901 Chalmer St., Deltona, Florida 32738-1389

Property Address: 2901 Chalmer St., Deltona, Florida 32738

Parcel No.: 30-18-31-34-33-0260

Violation of the City of Deltona Ordinance, Section 18-5, reference 304.6, adopting the latest edition of the International Property Maintenance Code, which states that all 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)**

Continued to the August 24, 2011 Code Hearing. Ms. Ligenzowski was present and stated that Habitat for Humanity has been asked for assistance and she is waiting for approval.

H. DEL-11-077

Tabitha F. Ligenzowski
2901 Chalmer St., Deltona, Florida 32738-1389
Property Address: 2901 Chalmer St., Deltona, Florida 32738
Parcel No.: 30-18-31-34-33-0260

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

Continued to the August 24, 2011 Code Hearing. Ms. Ligenzowski was present and stated that Habitat for Humanity has been asked for assistance and she is waiting for approval.

11. OTHER BUSINESS:

A. DEL-11-0698 Repeat Case for DEL-10-024

Dorothy Haggerty EST
2925 Keesler St., Deltona, Florida 32738-3116
Property Address: 2925 Keesler St., Deltona, Florida 32738

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

Order of Non Compliance, with a Hearing to impose fine at the June 22, 2011 Code Hearing. Roxanne Strong (daughter) was present and asked for additional time.

B. DEL-10-161 & DEL-10-078 and DEL-10-079

Bank Of New York TR

c/o 7105 Corporate Dr, Plano Texas 75024

Property Address: 2419 Alamanda Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-74-31-0120

Request for a reduction in fine(s), with no specified amount given by Bank of New York. DEL-10-161 came into compliance 119 days after time designated by the Special Magistrate's Order (\$10,000.00) DEL-10-079 came into compliance 272 days after the time designated by the Special Magistrate's Order. (\$13,600.00) DEL-10-078 came into compliance 272 days after the time designated by the Special Magistrate's Order. (\$13,600.00) Total fines \$37,200.00) (**Enforcement Services Officer Richard Lovett**)

Mr. Cino stated that he would honor the Commission approved Resolution No. 2011-01, and will recommend a reduction in fine to \$29,000.00. It took the Bank a year to resolve two of the cases and 5 months for the third case. The original fine amount was for \$37,200.00, per the Affidavits of Compliance completed by Officer Richard Lovett.

C. DISCUSSION:

A) By the Special Magistrate

B) By the Enforcement Services Director

D. 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 CINO

HEARING CLERK, SONJIA KIHLMIRE