

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
Wednesday, September 26, 2012**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, September 26, 2012 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
Hearing Clerk	Sonjia Kihlmire	Present
Director	Dale Baker	Present

Also present were: Enforcement Services Officers; Shanna Hogan, Julie Hughes, Richard Lovett, Tray Black, 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 August 22, 2012 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director, Dale Baker, states that under, New Business, case(s) DEL-12-160 was continued to the January 23, 2013 Code Hearing and DEL-12-161, DEL-12-162, DEL-12-166, DEL-12-167, DEL-12-171, DEL-12-176 and Repeat case DEL-11-058 is/was withdrawn.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-12-107

**Honorio Hernandez & Nilda Rodriguez
930 Radcliff St., Deltona, Florida 32725
Property Address: 930 Radcliff St., Deltona, Florida 32725
Parcel No.: 30-18-31-30-17-0090**

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 fireplaces or other permitted burning facilities, shall be permitted only in the rear yard to the rear wall of the home.

(Enforcement Services Officer Tray Black)

The Respondents were present and were found to be in non compliance. Special Magistrate Cino gave them until October 25, 2012 to come into compliance or a \$100.00 a day fine, with a cap of \$20,000.00 would be implemented, effective October 25, 2012.

B. DEL-12-150

**Fred Jones
2570 Coachman Dr., Deltona, Florida 32738
Property Address: 2570 Coachman Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-54-06-0210**

Violation of 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 Richard Lovett)

Not Present. A \$100.00 a day fine was levied, effective immediately with a \$20,000.00 cap. Fine to run until cap met or compliance is achieved.

C. DEL-12-151

**Fred Jones
2570 Coachman Dr., Deltona, Florida 32738
Property Address: 2570 Coachman Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-54-06-0210**

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 Richard Lovett)

Not Present. A \$100.00 a day fine was levied, effective immediately with a \$20,000.00 cap. Fine to run until cap met or compliance is achieved.

D. DEL-12-152

Fred Jones

2570 Coachman Dr., Deltona, Florida 32738

Property Address: 2570 Coachman Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-54-06-0210

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 Richard Lovett)

Compliance was met. Order of Compliance issued.

E. DEL-12-154

Alex and Susan Jagodinski

1338 Freeport Dr., Deltona, Florida 32725-3059

Property Address: 1338 Freeport Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-07-71-0060

Violation City of Deltona Ordinance, Section Sec. 4-2. It is unlawful for a person to permit animals to become a public nuisance. An animal shall be declared a public nuisance animal if such animal:

(1) Is repeatedly found at large;

(4) Causes offensive odors, which disturb the comfort, peace or repose of any person residing in the vicinity;

(5) Is on property in such numbers as exceeds the number limits placed on animals in this chapter;

(9) Has been designated by the animal control officer to be a public nuisance animal, by virtue of being a menace to public health, welfare or safety; or

(10) Has otherwise been determined to be a stray.

(Enforcement Services Officer Julie Hughes)

First Amended Order of non compliance, with a Hearing to impose fine at the October 24, 2012 Code Hearing. The Respondents were present at this Hearing.

F. DEL-11-069, Repeat of DEL-10-024

Dorothy Haggerty EST

2925 Keesler St., Deltona, Florida 32738

Property Address: 2925 Keesler St., Deltona, Florida 32738

Parcel No.: 30-18-31-32-11-0250

Violation of City of Deltona Ordinance, Section 18-5, which adopts 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. {exterior walls} (Enforcement Services Officer Danny Ron)

The Respondent's daughter, Ms. Strong was present and was found to be in non compliance. Special Magistrate Cino gave her/them until October 25, 2012 to come into compliance or a \$25.00 a day fine, with a cap of \$20,000.00 would be implemented, effective October 25, 2012.

10. New Business:

A. DEL-12-147

Robert C. and Vicki D. Amann

3001 Surf Dr., Deltona, Florida 32738-1840

Property Address: 3001 Surf Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-33-04-0020

Violation 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 Richard Lovett)

Property found in Non-Compliance, completed the actions to bring them into Compliance and the case was dismissed.

B. DEL-12-160

Michael Ingrao

116 East Citrus St., Altamonte Springs, Florida 32701-7627

Property Address: 2940 Surf Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-33-11-0260

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 304.6, 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)

Case continued until the January 23, 2013 Code Hearing.

C. DEL-12-161

HSBC Bank USA National Association TR

4828 Loop Central Dr., Houston, Texas 77081

Property Address: 1829 Concert Rd., Deltona, Florida 32738

Parcel No.: 30-18-31-45-20-0080

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 302.7, which states that 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)

Case Withdrawn.

D. DEL-12-162

HSBC Bank USA National Association TR

4828 Loop Central Dr., Houston, Texas 77081

Property Address: 1829 Concert Rd., Deltona, Florida 32738

Parcel No.: 30-18-31-45-20-0080

Violation of City of Deltona Ordinance, Section 18-5, which adopts 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 Withdrawn.

E. DEL-12-163

Los Pentecostales De Deltona Inc.

PO Box 390026, Deltona, Florida 32728

Property Address: 2000 Howland Blvd., Deltona, Florida 32738

Parcel No.: 30-18-31-74-00-0080

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, 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 a Building. (Enforcement Services Officer Richard Lovett)

Respondent, Pastor Santos was present. Found in non compliance with a Hearing to impose fine at the January 23, 2013 Code Hearing.

F. DEL-12-164

Laurie D. Johnson

1195 Acorn Court, Deltona, Florida 32725

Property Address: 1195 Acorn Court, Deltona, Florida 32725

Parcel No.: 30-18-31-02-20-0260

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, 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 a fence. (Enforcement Services Officer Tray Black)

Respondent was present. Found in non compliance and given until October 24, 2012 to comply, or a fine may be imposed.

G. DEL-12-166

Frederick M. Antonia

822 Superior St., Deltona, Florida 32725

Property Address: 882 Yellowbird Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-05-67-0190

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 505.1, General. Which states that every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Property Maintenance Code. (Enforcement Services Officer Tray Black)

Case Withdrawn.

H. DEL-12-167

Frederick M. Antonia

822 Superior St., Deltona, Florida 32725

Property Address: 882 Yellowbird Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-05-67-0190

Violation City of Deltona Ordinance No. 11-2007, Chapter 22, which states that the owner of record of each dwelling unit or rooming house in which a residential quarters are rented or offered for rent to persons other than the owner or owner's immediate family, shall make written application to the City of Deltona for a local business tax license and provide a local point of contact person for each dwelling unit. (Enforcement Services Officer Tray Black)

Case Withdrawn.

I. DEL-12-169

Miguel Alvarez Quiles

3193 Newmark Dr., Deltona, Florida 32738

Property Address: 3193 Newmark Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-73-14-0060

Violation of City of Deltona Ordinance, Section 18-5, which adopts 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. {damaged/missing door} (Enforcement Services Officer Danny Ron)

Respondent found to be in non compliance and a Hearing to impose fine will be held October 24, 2012, if still in violation.

J. DEL-12-170

Gary A. Gentile and Karen Sue E. Benson
2811 Conyers Court, Deltona, Florida 32738
Property Address: 2811 Conyers Court, Deltona, Florida 32738
Parcel No.: 30-18-31-43-40-0010

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 fireplaces or other permitted burning facilities, shall be permitted only in the rear yard to the rear wall of the home.
(Enforcement Services Officer Danny Ron)

Respondent present and found to be in non compliance and a Hearing to impose fine will be held October 24, 2012, if still in violation.

K. DEL-12-171

Michael and Mary Micelli
3072 North Covington Dr., Deltona, Florida 32738
Property Address: 2481 Cardena Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-74-12-0020

Violation City of Deltona Ordinance No. 11-2007, Chapter 22, which states that the owner of record of each dwelling unit or rooming house in which a residential quarters are rented or offered for rent to persons other than the owner or owner's immediate family, shall make written application to the City of Deltona for a local business tax license and provide a local point of contact person for each dwelling unit. (Enforcement Services Officer Danny Ron)

Case Withdrawn.

L. DEL-12-172

Cindy Fontanez

270 Colomba Rd., Debary, Florida 32713

Property Address: 3116 Boxelder St., Deltona, Florida 32725

Parcel No.: 05-18-31-16-00-0530

Violation City of Deltona Ordinance No. 11-2007, Chapter 22, which states that the owner of record of each dwelling unit or rooming house in which a residential quarters are rented or offered for rent to persons other than the owner or owner's immediate family, shall make written application to the City of Deltona for a local business tax license and provide a local point of contact person for each dwelling unit. (Enforcement Services Officer Shanna Hogan)

An Administrative fine of \$250.00 was levied, due to non-compliance of this Ordinance. Respondent not present.

M. DEL-12-173

Michael and Mary Micelli

3072 North Covington Dr., Deltona, Florida 32738

Property Address: 2481 Cardena Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-74-12-0020

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 fireplaces or other permitted burning facilities, shall be permitted only in the rear yard to the rear wall of the home. (Enforcement Services Officer Danny Ron)

Property found in Non-Compliance, completed the actions to bring them into Compliance and the case was dismissed. The Micellis were present.

N. DEL-12-175

Matthew A. Simmons

843 Windbrook Dr., Deltona, Florida 32725

Property Address: 843 Windbrook Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-12-04-0030

Violation 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 Tray Black)

Property found in Non-Compliance, completed the actions to bring them into Compliance and the case was dismissed. Matthew Simmons was present.

O. DEL-12-176

Eugene M. and Phyllis A. Wilson
1195 Whitewood Dr., Deltona, Florida 32725
Property Address: 1195 Whitewood Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-01-09-0060

Violation of City of Deltona Ordinance, Section 38-110(2), which states that accumulations of waste, yard trash, rubble and/or debris is/are declared to be a nuisance and must be abated in their entirety. (Enforcement Services Officer Tray Black)

Case withdrawn.

11. OTHER BUSINESS:

A. DEL-12-168, REPEAT OF CASE NO.: DEL-11-170

Jorge and Magda Baque
24-37 92nd Street, East Elmhurst, NY 11369
Property Address: 1645 Airmont Ave., Deltona, Florida 32725
Parcel No.: 30-18-31-65-10-0060

Violation 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 Shanna Hogan)

Property found in Non-Compliance, completed the actions to bring them into Compliance and the case was dismissed. A tow Order was signed and their son was present to represent them.

B. DEL-11-058, REPEAT OF CASE NO.: DEL-10-019

Kenisha L. James and Damani Robinson
2373 Lake Helen Osteen Rd., Deltona, Florida 32738
Property Address: 2373 Lake Helen Osteen Rd., Deltona Florida 32738
Parcel No.: 30-18-31-74-13-0330

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 302.7, which states that all accessory structures, including detached garages, fences and walls, shall be maintained and kept in good repair and sound structural condition. [Pool Enclosure] (Enforcement Services Officer Danny Ron)

An Order imposing Fine/Lien was entered April 06, 2011, by the Special Magistrate, ordering Kenisha James and Damani Robinson to pay \$250.00 a day, beginning April 06, 2011 and to continue for each and every day the violation(s) exists or a cap of \$20,000.00 is reached. The respondent failed to come into compliance, the City of Deltona sent a contractor to the property to secure the enclosure of this pool and were invoiced \$175.00 from our contractor, which included the City Admin cost. This was a temporary repair. The Deutsche Bank National Trust Company took ownership on December 08, 2011 and made repairs to the property. The Code Officer did an inspection on June 22, 2012 and issued an Affidavit of Compliance for this property. As of that date the fine of \$20,000.00, has not been paid and the "new" owners are requesting a recommendation for a reduction in fine. The abatement cost of \$175.00 is not part of this total and should be paid separately.

Case Withdrawn.

12. DISCUSSION:

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

13. ADJOURNMENT (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