

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
Wednesday, July 27, 2011**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, July 27, 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, Mark Gibson, Richard Lovett, Shanna Seda-Hogan, 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 June 22, 2011 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of Enforcement Services, Dale Baker, stated under New Business, case DEL-11-089, case DEL-11-097 are withdrawn and cases DEL-11-095 are continued.

8. SWEARING IN OF OFFICERS AND WITNESSES:

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

9. OLD BUSINESS:

A. DEL-11-052

**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, 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) Richard Lovett**

Order imposing a \$50.00 a day fine, effective July 27, 2011, to run until in compliance or a cap of \$10,000.00 is met. Violation still exists at this property.

B. 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) Richard Lovett**

Order imposing a \$50.00 a day fine, effective July 27, 2011, to run until in compliance or a cap of \$10,000.00 is met. Violation still exists at this property.

C. DEL-11-078

**Leasha & Johnnie E. Fort III
P.O. Box 5696, Hercules, CA 94547
Property Address: 772 Sullivan St., Deltona, Florida 32725
Parcel No.: 30-18-31-08-15-0060**

Violation of 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. **(Enforcement Services Officer Shanna Seda)**

In compliance, has obtained a Business Tax License on July 14, 2011.

D. DEL-11-082

Titus B. and Felicia G. Tillman
2290 E. Annapolis Dr., Deltona, Florida 32725-2657
Property Address: 2290 E. Annapolis Dr., Deltona, Florida 32725-2657
Parcel No.: 30-18-31-04-22-0090

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. (on the Chimney) **(Enforcement Services Officer Shanna Seda)**

Order imposing a \$50.00 a day fine, effective July 27, 2011, to run until in compliance or a cap of \$10,000.00 is met. Violation still exists at this property.

10. NEW BUSINESS:

A. DEL-11-085

Aarambh Shah
13901 SW 22ND St., Miami, Florida 33175
Property Address: 1605 Providence Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-72-06-0040

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 an approved driveway or driveway extension. **(Enforcement Services Officer Mark Gibson)**

Tow Order was granted to tow all vehicles improperly parked. No fine to be imposed at this time.

B. DEL-11-086

Aarambh Shah

13901 SW 22ND St., Miami, Florida 33175

Property Address: 1605 Providence Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-72-06-0040

Violation of the 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 Mark Gibson)**

Tow Order was granted to tow all vehicles that are inoperable or untagged. No fine to be imposed at this time.

C. DEL-11-089

Bruno and Maria I. Primerano

1661 Bismarck Dr., Deltona, Florida 32725

Property Address: 1661 Bismarck Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-15-08-0070

Violation of the City of Deltona Ordinance, Section 18-5, which adopts the International Property Maintenance Code, Section 303.1, which states that all swimming pools shall be maintained in a clean and sanitary condition and kept in good repair. **(Enforcement Services Officer Shanna Seda)**

Withdrawn.

D. DEL-11-090

Charles A. Lasseigne Jr.

1864 Tripoli Ave., Deltona, Florida 32725

Property Address: 1864 Tripoli Ave., Deltona, Florida 32725

Parcel no.: 30-18-31-03-47-0220

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)**

Order of Non Compliance, Hearing to impose fine August 24, 2011. Respondent given until August 22, 2011, to come into compliance.

E. DEL-11-091

Duwayne H. Dukes

1754 Gatewood Ave., Deltona, Florida 32725

Property Address: 1754 Gatewood Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-73-07-0070

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

Found to be in Compliance, Order of Dismissal.

F. DEL-11-092

Michael and Maribel Aponte Elliot

3101 Yorkshire Dr., Deltona, Florida 32738-1059

Property Address: 3101 Yorkshire Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-35-27-0120

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

Order of Non - Compliance, Hearing to impose fine August 24, 2011. Respondent given until August 22, 2011, to come into compliance.

G. DEL-11-093

Edward J. and Judith A. Nassif

3156 North Covington Dr., Deltona, Florida 32738-1675

Property Address: 3156 North Covington Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-32-99-0060

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)**

Order of Non Compliance.

H. DEL-11-094

Edward J. and Judith A. Nassif
3156 North Covington Dr., Deltona, Florida 32738-1675
Property Address: 3156 North Covington Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-32-99-0060

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)**

Order of Non Compliance.

I. DEL-11-095

Miguel Aponte and Annie Marquez
2297 Vance Rd., Deltona, Florida 32738
Property Address: 2297 Vance Rd., Deltona, Florida 32738
Parcel No.: 30-18-31-45-38-0010

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 next Hearing, August 24, 2011.

J. DEL-11-096

Juan Escobar and Migdalia Ortiz
1788 Saxon Blvd., Deltona, Florida 32725
Property Address: 1788 Saxon Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-03-19-0250

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. (on the exterior walls) **(Enforcement Services Officer Mark Gibson)**

Order of Non Compliance - case continued to September 28, 2011 for Hearing to impose fine. Mr. Escobar was present at the July 27, 2011 Hearing.

K. DEL-11-097

Stephanie A. Cox and Oleta J. Warren

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, 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 the dock in the rear yard. **(Enforcement Services Officer Julie Hughes)**

Withdrawn.

L. DEL-11-098

Robert P. Meagher TR

Robert P. Meagher Living Trust

1942 Evard Ave., Deltona, Florida 32725

Property Address: 1942 Evard Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-15-19-0110

Violation of City of Deltona Ordinance, Section 4-2, which states it is unlawful for a person to permit animals to become a public nuisance. An animal is declared a public nuisance if it is repeatedly found at large. **(Enforcement services Officer Shanna Seda)**

Order of Non compliance. One dog and two cats have been declared a public nuisance. Bring back to the August 24, 2011 Hearing if necessary. Kathleen Fishman (complainant) was present at the July 27, 2011 Hearing. Kelley Meagher (respondent) was present at the July 27, 2011 Hearing.

11. OTHER BUSINESS:

A. DEL-11-069 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)

Case carried forward for 30 days to next meeting August 24, 2011. Roxanne Strong (daughter) was present.

12. DISCUSSION:

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

13. ADJOURNMENT: Meeting adjourned at 6:00 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