

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
Wednesday, February 26, 2014**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, February 26, 2014 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	Dana Johnson	Present
Director of Department	Dale Baker	Present

Also present were: Enforcement Services Officers: Richard Lovett, Dennis Mues, Shanna Hogan, Tray Black, Julie Hughes, and Danny Ron, and Building Official Steve Roland.

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 and Fire 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 January 22, 2014 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of the Building and Enforcement Services Department stated that under Old Business, case(s) DEL-14-013 is in compliance, and under New Business, case(s) DEL-14-043 and DEL-14-059 are/were withdrawn and DEL-14-047 is continued until March 26, 2014.

8. SWEARING IN OF OFFICERS AND WITNESSES:

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

9. OLD BUSINESS:

A. DEL-13-267

**Wesley A. & Tracy A. Hill
1583 N. Page Dr., Deltona, Florida 32725
Property Address: 1583 N. Page Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-55-17-0040**

Violation of 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 Julie Hughes)

Second Amended Order of Non Compliance with a Hearing to Impose Fine at the March 26, 2014 Code Hearing. Wesley and Tracy Hill were present and testimony was heard by the Building Official Steve Roland.

B. DEL-14-013

**Edward C. Link
1081 E. Gaucho Cr., Deltona, Florida 32725
Property Address: 1381 Hartley Ave., Deltona, Florida 32725
Parcel No.: 30-18-31-01-13-0220**

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 re-roof. (Enforcement Services Officer Shanna Hogan)

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

C. DEL-14-015

**Jorge L. Medina
990 Windbrook Dr., Deltona, Florida 32725
Property Address: 990 Windbrook Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-12-01-0110**

Violation of City of Deltona Ordinance, Section 14-201(a) Every person who owns or harbors a dog or cat in the city shall have such dog or cat annually vaccinated against rabies by a licensed veterinarian. Evidence of such vaccination shall consist of a current certificate issued and signed by the veterinarian administering the vaccination. The owner or custodian of any animal required by this section to be inoculated against rabies shall keep a current rabies tag with the year attached to the animal at all times. (Enforcement Services Officer Shanna Hogan)

First Amended Order of Non Compliance with a Hearing to Impose Fine at the March 26, 2014 Code Hearing to be effective March 27, 2014. Mr. Gillaro (tenant) was present.

D. DEL-14-034

Francisco & Noemi Garaitonandia
3013 Lagoon Ave., Deltona, Florida 32738
Property Address: 3013 Lagoon Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-39-04-0200

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 Danny Ron)

An Order Imposing Penalty/Lien was issued for \$100.00 a day effective March 8, 2014 until in compliance or the cap of \$20,000 is reached.

E. DEL-14-038

Raymond Perez & Alicia Perez & Ramon Perez
602 Gallaway Terr., Deltona, Florida 32725
Property Address: 602 Gallaway Terr., Deltona, Florida 32725
Parcel No.: 30-18-31-20-08-0100

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 Shanna Hogan)

An Order Imposing Penalty/Lien was issued for \$50.00 a day effective March 27, 2014 until in compliance or the cap of \$20,000 is reached.

F. DEL-14-039

**Greenwood Services Inc.
P.O. Box 341, Greenwood, MO 64034
Property Address: 2958 Howland Blvd., Deltona, Florida 32738
Parcel No.: 30-18-31-39-07-0010**

Violation of City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 302.2, which states all premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water. (Enforcement Services Officer Richard Lovett)

Order of Dismissal issued by Special Magistrate.

10. NEW BUSINESS:

A. DEL-14-043

**Santiago Jr. & Milagros Cortes
2627 Groveland Ave., Deltona, Florida 32725-9695
Property Address: 2627 Groveland Ave., Deltona, Fl. 32725
Parcel No.: 30-18-31-53-15-0210**

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. (Enforcement Services Officer Danny Ron)

Withdrawn.

B. DEL-14-045

**Walter H. Moran Trust
1049 Platinum Ct., Deltona, Florida 32725
Property Address: 1049 Platinum Ct., Deltona, Florida 32725
Parcel No.: 20-18-31-05-00-0370**

Violation of City of Deltona Ordinance, Section 22-235(a), October 1 of each year, or at the same time thereafter as residential property is first offered for rent, the owner of record of each dwelling unit or rooming house in which 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 for a local business tax receipt to engage in the business of renting residential property, setting forth the address, classification (whether single-family, multiple-family or rental room), and the local point of contact person of each dwelling unit to be issued a business tax receipt for rental, in such form or forms as the City of Deltona shall from time to time designate, together with such fees as the city commission may from time to time adopt by resolution. An agent of one or more owners may apply for multiple tax receipts, upon certifying that the agent has received written authorization from each owner represented provided that such authorization acknowledges receipt of a copy of this ordinance and applicable sections of the International Property Maintenance Code and acknowledges that failure to abide by this ordinance or other applicable codes and ordinances may result in a lien upon the property of the owner. The owner of record shall notify the city within 30 days when the local point of contact person changes. (Enforcement Services Officer Danny Ron)

An Administrative Fine of \$250.00 was levied effective February 26, 2014.

C. DEL-14-047

Deltona Square LLC

259 E. Rand Rd. Apt. 200, Mount Prospect, IL 60056

Property Address: 577 Deltona Blvd., Deltona, Florida 32725

Parcel No.: 36-18-30-05-09-0040

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 Dennis Mues)

Case was continued until March 26, 2014.

D. DEL-14-048

Bruce M. & Kimberly Teitelbaum

1715 Concert Rd., Deltona, Florida 32738

Property Address: 1715 Concert Rd., Deltona, Florida 32738

Parcel No.: 30-18-31-45-33-0040

Violation of City of Deltona Ordinance, Section 66-18(a), which states that no vehicle greater than 10,000 pounds manufacturer's gross vehicle weight or designed to carry 16 or more passengers, or requiring a commercial driver's license (CDL) of any endorsement to operate shall be parked or stored in any residential or agricultural zoning district except in agricultural areas on lots of five acres or more. (Enforcement Services Officer Dennis Mues)

Order of Non Compliance with a Hearing to Impose Fine at the March 26, 2014 Code Hearing if not in compliance within 10 days (March 8, 2014). Tow Order may be issued at the March 26, 2014 Code Hearing if not in compliance.

E. DEL-14-050

**Manuel & Josefina A. Ramirez
573 Sullivan St., Deltona, Florida 32725
Property Address: 573 Sullivan St., Deltona, Florida 32725
Parcel No.: 30-18-31-03-57-0360**

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)

Found to be in Non Compliance, executed actions to come into compliance and case was dismissed. Manuel & Josefina A. Ramirez were present but did not give testimony.

F. DEL-14-051

**Abigail Bugno
2855 Beaver Dr., Deltona, Florida 32725
Property Address: 2855 Beaver Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-39-10-0170**

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. (Enforcement Services Officer Richard Lovett)

Order of Non Compliance with a Hearing to Impose Fine at the March 26, 2014 Code Hearing.

G. DEL-14-053

Antonio Barbosa

1162 Magdalena Ave., Deltona, Florida 32725

Property Address: 1162 Magdalena Ave., Deltona, Fl. 32725

Parcel No.: 30-18-31-07-38-0180

Violation of City of Deltona Ordinance, 18-5, reference to 504.1, adopting the latest edition of the International Property Maintenance Code, which states all plumbing fixtures shall be installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition. (Enforcement Services Officer Shanna Hogan)

Order of Compliance issued by Special Magistrate.

H. DEL-14-054

Antonio Barbosa

1162 Magdalena Ave., Deltona, Florida 32725

Property Address: 1162 Magdalena Ave., Deltona, Fl. 32725

Parcel No.: 30-18-31-07-38-0180

Violation of City of Deltona Ordinance, Section 18-5, reference to 604.3, adopting the latest edition of the International Property Maintenance Code, which states that 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 Shanna Hogan)

Order of Compliance issued by Special Magistrate.

I. DEL-14-056

Shelby Charles Road LLC

411 Walnut No. 4644, Green Cove Springs, Fl. 32043

Property Address: 698 Deltona Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-22-16-0010

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 non-porous parking surface. (Enforcement Services Officer Richard Lovett)

Order of Non Compliance with a Hearing to Impose Fine at the May 28, 2014 Code Hearing.

J. DEL-14-057

Security Solutions & Services, Inc.
2934 Howland Blvd., Deltona, Florida 32725
Property Address: 2934 Howland Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-39-07-0050

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 non-porous parking surface. (Enforcement Services Officer Richard Lovett)

Order of Non Compliance with a Hearing to Impose Fine at the May 28, 2014 Code Hearing.

K. DEL-14-058

Larry A. & Carol L. Sweet
924 W. Blue Springs Ave., Orange City, Florida 32763
Property Address: 2946 Howland Blvd., Deltona, Florida 32738
Parcel No.: 30-18-31-39-07-0030

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 non-porous parking surface. (Enforcement Services Officer Richard Lovett)

Order of Non Compliance with a Hearing to Impose Fine at the May 28, 2014 Code Hearing.

L. DEL-14-059

Gary C. & Debra J. Kincaid

1008 Dawson Dr., Deltona, Florida 32725-6917

Property Address: 1008 Dawson Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-10-15-0260

Violation of City of Deltona Ordinance, Section 14-141(c) It shall be the duty of the owner or person responsible for any dog or cat brought into the city or acquired to have the dog or cat licensed in accordance with this division within 15 days after the dog or cat is brought into the city or acquired, or before the dog or cat reaches six months of age, whichever comes first. (Enforcement Services Officer Shanna Hogan)

Withdrawn.

M. DEL-14-061

Nancy Spears

1680 N. Page Dr., Deltona, Florida 32725

Property Address: 1680 N. Page Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-55-28-0360

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. (Enforcement Services Officer Tray Black)

Order of Non Compliance with a Hearing to Impose Fine at the April 23, 2014 Code Hearing. Ordered that the addition not be used for any purpose. Nancy Spears was present.

11. OTHER and REPEAT BUSINESS:

A. DEL-14-041 Repeat of DEL-13-005

Robert Groesbeck

3031 Mallard Dr., Deltona, Florida 32738

Property Address: 943 Halstead St., Deltona, Florida 32725

Parcel No.: 30-18-31-28-18-0070

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 Shanna Hogan)

An Order Imposing Penalty/Lien was issued for \$100 a day for 10 days effective February 26 2014. Order to Abate Property was issued effective March 8, 2014.

B. DEL-14-042 Repeat of DEL-12-107

Honorio Hernandez & Nilda Hernandez

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 38-110 (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 Shanna Hogan)

Order of Non Compliance with a Hearing to Impose Fine at the March 26, 2014 Code Hearing. Honorio Hernandez & Nilda Hernandez were present.

C. DEL-14-052 Repeat of DEL-13-082

Thomas V. & Judy L. Bamundo

2970 Willow Bay Terrace, Casselberry, Florida 32707

Property Address: 1105 Fort Smith Blvd., Deltona, FL 32738

Parcel No.: 30-18-31-13-15-0370

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. (Enforcement Services Officer Tray Black)

Found to be in Non Compliance and repeat violator, executed actions to come into compliance and the case was dismissed with a one-time fine of \$500.00 effective today.

D. Hearing Request for Reduction of Fine

DEL-13-088

THR Florida LP

5909 Hampton Oaks, Bldg. 1, St. G, Tampa, Florida 33610

Property Address: 1202 Voyager St., Deltona, Florida 32725

Parcel No.: 30-18-31-05-45-0010

Violation of City of Deltona Ordinance, Section 8-3, 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 wooden fence. (Enforcement Services Officer Shanna Hogan)

Reduction of Fine in the amount of \$1000.00 (each case) was recommended by the Special Magistrate with the stipulation that any outstanding Municipal Liens on other properties owned by THR Florida LP will also be paid. Case will be placed on the March 17, 2014 City Commission meeting to present the recommendation and receive direction from the commissioners. Sean Mills, Esquire (Attorney of THR Florida LP) was present to request the reduction of fine.

E. Hearing Request for Reduction of Fine

DEL-13-090

THR Florida LP

5909 Hampton Oaks, Bldg. 1, St. G, Tampa, Florida 33610

Property Address: 1202 Voyager St., Deltona, Florida 32725

Parcel No.: 30-18-31-05-45-0010

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 A/C change out. (Enforcement Services Officer Shanna Hogan)

Reduction of Fine in the amount of \$1000.00 (each case) was recommended by the Special Magistrate with the stipulation that any outstanding Municipal Liens on other properties owned by THR Florida LP will also be paid. Case will be placed on the March 17, 2014 City Commission meeting to present the recommendation and receive direction from the commissioners. Sean Mills, Esquire (Attorney of THR Florida LP) was present to request the reduction of fine.

12. DISCUSSION:

A. By the Special Magistrate

B. By the Enforcement Services Director

13. ADJOURNMENT: 6:21PM

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.



Special Magistrate, Charles Cino



Hearing Clerk, Dana Johnson