

**Code Enforcement Hearing
Minutes
February 07, 2018**

Present: D. John Morgeson Jr., Special Magistrate
Officer Gina Place
Officer Carrie Long
Melani Brown, Deputy City Clerk

1. Call to Order/Rules of Procedure

Special Magistrate D. John Morgeson Jr. called the Code Enforcement Hearing to order at 2:05 p.m. He stated that formal rules of evidence do not apply and fundamental fairness will be afforded to all. After hearing all of the relevant evidence a verbal order will be issued which will be reduced to writing and mailed to all participants. The order of the presentation will begin with the City presenting their evidence of the alleged violation(s) and then the Respondent shall present his case. All witnesses offering testimony or presenting evidence will be required to swear or affirm that the testimony they provide is the truth.

2. Administration of Oath to Defendants/Witnesses

Special Magistrate Morgeson asked that anyone who wished to testify to stand and be sworn in by the Clerk. The Clerk administered the oath.

3. Cases

A. Case # 7-17-7685 New Case

Owner Information: **Dianne Strombeck**

Loc. Address: 732 N Sparkman Avenue

RE: 101.4.5 (302.7) Accessory Structures maintenance, 9-8 (302.1) Property Maintenance, 9-8 (302.4) Grass / Weeds, 5-2 (307.4) Obsolete items, 5-2 (115.1) Unsafe structures, 9-17 (B) Garbage and trash

Code Enforcement Officer Place presented her case: Ms. Place reported that the cited property has been found in violation of Orange City Code of Ordinance, Section 9-17 Garbage and trash accumulation, Section 5-2 (Florida Building Code 307.4) Outside storage of obsolete items, Section 9-8 (B) Care of premises, Section 9-8 free from all grass and weeds in excess of 12 inches, 5-2 unsafe structures, and 1-1.45 all accessory structures should be in good repair.

Recommendation: Staff recommends the Magistrate find the property owners in violation of the Orange City Code of Ordinances. Compliance can be met by cleaning the property completely, removing weeds, obsolete items, and making the property clean and sanitary. A daily fine of \$250 be assessed if compliance is not met within 30 days.

Chester Harrison, 734 N. Sparkman Ave., neighbor of the Respondent, came forward as a witness to the violations in the photographs presented.

Dianne Strombeck, 732 N. Sparkman Ave., came forward to announce that she has scheduled a dumpster delivery at the home to correct the violations.

The Magistrate closed the public hearing. Mr. Morgeson found that the Respondent is in violation of City Code 302.1 Section 302.4, Section 307.4 and Section 17(b). He ordered that Respondent shall correct the violations on or before March 7, 2018 by taking the remedial actions as identified in the Notice of Violation. If Respondent fails to timely correct all violations on or before March 7, 2018 a fine of \$250 will accrue for each day that any such violation exists after March 7, 2018. Respondent is further ordered to contact Code Enforcement to verify compliance with this order as may be necessary.

E. Case #11-17-7872 Noncompliance / Property Lien

Owner Information: **Napoleon Garcia**

Loc Address: 763 W Blue Springs Avenue RE: Non Compliance

Code Enforcement Officer Long presented her case: Ms. Long reported that this case was first brought forth December 06, 2017. Respondent was found in violation and given until December 20, 2017 for compliance or a fine of \$250 a day would accrue. Ms. Long noted that contact was made with Mr. Garcia. He stated he is aware and does not have plans to correct the violation.

Recommendation: Ms. Long requested that the Magistrate find the property owners in violation of the Orange City Code of Ordinances and issue a non-compliance property lien in the amount of \$12,250 and still accruing at \$250/day.

The Magistrate closed the public hearing. Mr. Morgeson found that the respondent failed to comply with the December 7, 2017 Findings of Fact, Conclusions of Law and Order and imposed an administrative fine, creating a lien on the aforementioned property for 49 days of non-compliance for \$12,250, which will continue to accrue at \$250 a day until compliance is met. This order may be recorded in the Public Records of Volusia County.

F. Case # 10-17-7858 New Case

Owner Information: Larkspur West Volusia Retail Loc Address : 811 Harley Strickland

Blvd RE: 6-7 Duty to place garbage in cans, 5-2 Accessory structure maintenance

Code Enforcement Officer Long presented her case: Ms. Long stated that the property is a retail strip center with multiple businesses. This property has been found in violation of Orange City Code of Ordinance 6-7 and 5-2.

Recommendation: Staff recommends the Magistrate find the property owners in violation of the Orange City Code of Ordinances 6-7 and 5-2 with compliance by March 1st, 2018 or a fine of \$150 a day until compliance is met. Compliance can be met by obtaining and making needed repairs to all the broken doors on the dumpster screening and refrain from allowing trash, furniture, etc. from flowing on to the ground from the dumpster.

Margaret Auffant, property manager, 811 Harley Strickland Blvd. Ms. Auffant noted her plans to fix the locks on the dumpster doors in order to accomplish compliance.

The Magistrate closed the public hearing. Mr. Morgeson found that the respondent is in violation of City Code and ordered that the respondent shall correct the violation on or before March 15th 2018. If compliance is not met by said date then a daily fine of \$150 may be imposed. Respondent is further ordered to contact Code Enforcement once compliance is met.

G. Case # 9-17-7844

New Case Owner Information: Spirit Portfolio 2004-6 LLC

Loc Address: 1070 S Volusia Avenue RE: 12.8 Maintenance of water systems, 9-8

Grass / Weeds, 10.5.1 Landscape maintenance, 5-2 accessory structure maintenance

Code Enforcement Officer Long presented her case: Ms. Long stated the property mentioned is a vacant commercial building. This property has been found in violation of Orange City Code of Ordinances 12.8 9, 9-8 10.5.1 and 5-2.

Recommendation: Staff recommends the Magistrate find the property owners in violation of the Orange City Code of Ordinances as cited with compliance by March 1st, 2018 or a daily fine of \$150 be assessed until compliance is met. Compliance can be met by making needed repairs to all the accessory structures, cleaning up storm water retention area, cutting grass/weeds and replacing all missing or dead vegetation.

The Magistrate closed the public hearing. Mr. Morgeson found that the respondent shall correct the violation soon or before March 7, 2018 by taking the remedial actions as identified in the notice of violation. If Respondent fails to timely correct all violations on or before March 7, 2018 a fine of \$250 will accrue for each day that any such violation exists after this date. Respondent is further ordered to contact Code Enforcement to verify compliance with the order.

4. Adjournment

There being no further cases to discuss, the hearing was adjourned at 2:36 p.m.