

Code Enforcement Hearing
Minutes
March 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 # **8-17-7779**

Owner Information: **Iona & Adison Martin**. Address: 1060 Tappan Circle
RE: 9-31(a) (6) Unsheltered storage of junked vehicle, 9-31 (b) Storage of
junked vehicle, 5-2 (307.4) Outside storage of obsolete items

Code Enforcement Officer Long presented her case: Ms. Long reported that the cited property has been found in violation of Orange City Code of Ordinance Section 9-31 (a) (6) abandoned or junked vehicles for more than 15 days, Section 9-31(b) junked or inoperable vehicle is not permitted to be stored on private property and Section 5-2 (307.4) outside storage or obsolete items including inoperable vehicles.

Recommendation: Staff recommends the Magistrate find the property owners in violation of the Orange City Code of Ordinances as cited. Compliance can be met by either moving the car off the property or have it become operational and park it in the driveway, not the back yard. If compliance is not met within 30 days a fine of \$150 will be added for each day until compliance is met.

The Magistrate closed the public hearing. Mr. Morgeson found that the Respondents are in violation of City Code of Ordinances Section 9-31(a) (6), Section 9-31(b) and Section 5-2 (307.4). Respondents shall correct the violations on or before April 7, 2018 by taking the remedial actions as identified in the Notice of Violation. If Respondents fail to timely correct all violations on or

before April 7, 2018 a fine of \$150 will accrue for each day that any such violation exists after April 7, 2018. Respondents are further ordered to contact Code Enforcement to verify compliance with this order as may be necessary.

B. Case # 1-17-7096 New Case

Owner Information: **Darrell Costello** Loc. Address: 347 W French Avenue RE: 5-2 Permit required

Code Enforcement Officer Long presented her case: Ms. Long reported the property owners have been found in violation of the Orange City Code of Ordinances Chapter 5, Section 5-2, working without a required permit (new roof).

Recommendation: Ms. Long requested that the Magistrate find the property owners in violation of the Orange City Code of Ordinances as cited with a compliance date of September 1, 2018 or a fine of \$150 a day until compliance is met. Compliance can be met by obtaining the required permit and all inspections, including a final inspection.

The Magistrate closed the public hearing. Mr. Morgeson noted that this case is being continued for proper service of the Notice of Hearing.

C. Case # 6-17-7565 New Case

Owner Information; **Gomes Properties LLC**
Loc. Address: 1280 S Volusia Avenue
RE: 10.5.1 (g) Landscape maintenance,
10.5.8 Irrigation requirement

Code Enforcement Officer Long presented her case: Ms. Long stated the property has been found in violation of Orange City Code of Ordinance 10.5.1 (G) Commercial maintenance of landscape and 10.5.8 Commercial irrigation system must be maintained.

Recommendation: Staff recommends the Magistrate find the property owners in violation of the Orange City Code of 10.5.1 (G) and 10.5.8 with compliance by June 1st, 2018 or a fine of \$150 a day until compliance is met. Compliance can be met by replacing missing vegetation and making needed repairs to insure irrigation system is working.

The Magistrate closed the public hearing. Mr. Morgeson found that the respondent is in violation of City Code 10.5.1 (G), Section 10.5.8, and Section 9-8 Adoption of IPMC 2012 Section 302.4. He ordered that the respondent shall correct the violation on or before June 1st, 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.

D. Case # 12-17-7943 New Case

Owner Information: **William Cullen Kehoe III** Loc. Address: 216 N Sparkman Avenue RE: 9-8 grass/ weeds over 12 inches, 6.1 Accumulation of yard debris, 9-12 Fence in disrepair

Code Enforcement Officer Long presented her case: Ms. Long stated the property has been found in violation of Orange City Code of Ordinance Section 9-8 Adoption of IPMC 2012 Section 302.4

overgrown vegetation and grass, Section 6.1 accumulation of yard debris and Section 9-12 fence in disrepair.

Recommendation: Staff recommends the Magistrate find the property owners in violation of the Orange City Code of Ordinances as cited. Compliance can be met by mowing the lawn, cleaning up weeds and yard debris and obtaining the proper permit to repair the fence, including proper inspections. If compliance is not met within 60 days a \$250 a day fine to be added for each day until compliance is met.

The Magistrate closed the public hearing. Mr. Morgeson found that the respondent is in violation of Orange City Code Section 6.1, Section 9-12, and Section 9-8 Adoption of IPMC 2012 Section 302.4. Respondent shall correct the violations on or before May 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 May 7, 2018 a fine of \$150 will accrue for each day that any such violation exist after said date. Respondent is further ordered to contact the City Code Enforcement to verify compliance with the order.

E. Case #7-17-7685 Ongoing

Owner Information: **Dianne Strombeck**

Loc. Address: 732 N Sparkman Avenue

Re: Request for more time

Code Enforcement Officer Long presented her case: Ms. Long 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, Section 5-2 unsafe structures, and 1-1.45 all accessory structures should be in good repair. The respondent has requested that the deadline of March 07, 2018 be extended to May 07, 2018.

Recommendation: Staff recommends the Magistrate modify the deadline to May 7th, 2018 with the understanding that the fines would accrue in the original amount and from the original deadline of March 7th, 2018 should the property be found in noncompliance on the modified deadline.

The Magistrate closed the public hearing. Mr. Morgeson found that the respondent is in violation of Orange City Code Section 302.1 (Exterior Property and Premises), Section 302.4 (Weeds, grass, plants & vegetation), Section 307.4 (Care of Premises) and Section 9-17(B) (Garbage and Trash-Accumulation). Respondent shall correct the violations on or before May 07, 2018 by taking the remedial actions as identified in the Notice of Violation. If respondent fails to timely correct all violation on or before May 7, 2018 a fine of \$250 will accrue for each day that any such violation exist after May 7, 2018. Respondent is ordered to contact code enforcement to verify compliance.

Victor Palmer, 732 N. Sparkman Ave, came forward to state that he is working hard to clear the property.

4. Adjournment

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