

Code Enforcement Hearing
Minutes
April 04, 2018

Present: D. John Morgeson Jr., Special Magistrate
Debra Knutcher, City Attorney
Officer Carrie Long
Officer Brian Pilarski
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

C. Case # 3-18-8046

New Case / Repeat Offender

Owner Information; Jeffrey & Bonnie Shafer

Loc. Address: 226 Edwards Avenue

RE: 9-8 (grass/ weeds above the 12 inch max) 9-16

(Accumulation of vegetation)

Code Enforcement Officer Long presented her case: Ms. Long stated the property has been found in violation of Orange City Code of Ordinances 9-8 tall grass, plants and vegetation in excess of the 12 inch maximum. This property has been brought before this Magistrate on four other occasions and was found guilty of noncompliance. (2011, 2012, 2014 and 2016)

Recommendation: Staff recommends the Magistrate find the property owners in violation of the Orange City Codes as cited with a \$250 a day fine until the property is brought into compliance. The starting date for said fine should begin to accrue from the date the violation was noticed, equaling \$8,000 to date and still accruing (32 days at \$250 a day =\$8,000). Compliance can be met by the cutting grass/weeds.

The Magistrate closed the public hearing. Mr. Morgeson found that the respondents are in repeat violation of City Codes as cited and ordered that respondents correct the violations. In order to

correct the violations the respondents shall take the remedial actions as set forth in the violation notice of hearing. A fine of \$250 a day will be imposed beginning March 03, 2018 continuing until compliance is met. Respondents are ordered to contact the City's code inspector to arrange for inspection of the property to verify compliance with the order.

D. Case # 12-17-7971

New Case

Owner Information: Common Wealth Trust Services TR

Loc Address: 935 Joe Street # 9

RE: 9-8 (grass/ weeds above the 12 inch max) 9-8 (exterior property and premises maintenances) 5-2 (accessory structures maintenance)

Code Enforcement Officer Long presented her case: Ms. Long stated the property has been found in violation of Orange City Code of Ordinances 5-2 accessory structures maintenance, 9-8 (302.1) maintenance of the exterior property and premises, 9-8 (302.4) grass/weeds greater than the 12 inch maximum.

Recommendation: Staff recommends the Magistrate find the property owners in violation of the Orange City Code of Ordinances as cited. If compliance is not met by May 1, 2018 a fine of \$150 a day be added for each day until compliance is met. Compliance can be met by conducting maintenance to the fence, cutting grass/weeds and cleaning up the property.

The Magistrate closed the public hearing. Mr. Morgeson found that the respondent is in violation of Orange City codes as cited. If respondent fails to timely correct all violations on or before May 1, 2018 a fine of \$150 will accrue for each day that any such violation exist after said date. Respondent is further ordered to contact Code Enforcement to verify compliance with the order.

E. Case # 12-17-7976

New Case

Owner Information: Filam 4 United LLC

Loc Address: 1495 S Volusia Avenue

RE: 5-2 (concrete work without permit)

Code Enforcement Officer Long presented her case: Ms. Long reported that the cited property has been found in violation of Orange City Code of Ordinances 5-2 work conducted without a permit.

Carol McFarlane, City Planner, came forwarded to clarify that the respondent submitted a use permit to pour concrete in the right of way of the road behind the property but has not submitted a permit for the concrete pad that is on the his property.

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinances cited. Compliance should be made by May 1, 2018 or a fine of \$150 a day begin to accrue. Compliance can be met by obtaining a permit and all inspections for the concrete pad and apron already poured.

Joel White, 213 Haverford Ct. Debary 32713, Principle managing member of Filam 4 United LLC, testified that he purchased the property 6 months ago. Mr. White noted the condition of the property at purchase and presented his case. Mr. White asked for a 60 day extension.

Mr. Morgeson asked Ms. McFarlane if it is possible for the respondent to get the required permit within 30 days. Ms. McFarlane replied “yes”.

The Magistrate closed the public hearing. Mr. Morgeson found that the respondent is in violation of Orange City Code as cited. If respondent fails to timely correct all violation on or before June 6, 2018 a fine of \$150/day will begin to accrue until compliance with this order is met. Respondent is ordered to contact code enforcement to verify compliance.

F. Case # 5-14-5292

Lien Reduction

Owner Information: Tarpon IV LLC

Loc. Address: 379 S Orange Avenue

RE: Lien Reduction

Code Enforcement Officer Long presented her case: Ms. Long reported that prospective buyers have a contract for sale of the property and is requesting a lien reduction from \$13,300 to \$500.

Recommendation: Staff recommends the Magistrate grant the reduction with a \$500 balance due to the City within 30 days from the Magistrates orders. In addition, staff requests that the fines be reinstated back to the original amount if the contract purchaser does not take possession of the property.

A discussion ensued as to the conditions of when payment of the lien reduction would be made. Debra Knutcher, city attorney, suggested the condition be payment at closing. Ms. Long suggested that the lien amount be lowered to \$500 and paid at closing. However, if closing does not occur then the reduced lien be reinstated to the original amount of \$13,300. Mr. Morgeson stated that he is not comfortable ordering the request in this fashion based on what has been presented. Ms. Long asked to have the case continued.

The Magistrate closed the public hearing. Mr. Morgeson found that this case to be continued.

4. Adjournment

There being no further cases to discuss, the hearing was adjourned at 2:48 p.m.