

Code Enforcement Hearing
Minutes
August 1, 2018

Present: D. John Morgeson Jr., Special Magistrate
Debra Knutcher, City Attorney
Officer Carrie Long
Officer Brian Pilarski
Melani Beringer, 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. Additions, Deletions, Modifications

4. Cases

A. Case # 12-17-7976

Extension Request

Owner Information: Filam 4 United LLC

Loc. Address: 1495 S Volusia Avenue

RE: Finding of Fact

Code Enforcement Officer Pilarski presented his case: Mr. Pilarski stated that this case was brought before the Special Magistrate on April 4, 2018 and the property was found in non-compliance due to Code of Ordinances Section 5-2, FBC 105.1 (addition added without a permit). The Respondent was given until June 6, 2018 to come into compliance or a fine of \$150 a day would accrue. Mr. Pilarski noted that the property is still non-compliant after numerous attempts to work with the property management.

Recommendation: Staff recommends the Magistrate find the respondent non-compliant and issue a lien in the amount of \$9,950 to be placed on the property for 66 days of non-compliance and fines to continue to accrue until the property is brought into compliance.

Herbert Green, 1613 Regal Cove Kissimmee, representative for Cadjazz Engineering, came forward to provide the current status of the property. He stated that Cadjazz Engineering first planned to vacate Mimosa Ave

Officer Long came forward to clarify the original violations for the magistrate. She noted that new doors were installed, concrete along the back of the building, concrete apron to the alley way on Mimosa Ave.

Mr. Green provided additional updates for the permit status.

Carol McFarlane came forward to clarify the necessary permit requirements needed for this property.

The Magistrate closed the public hearing. Mr. Morgeson ordered that an administrative fine is imposed for 56 days of non-compliance beginning June 7, 2018 through and including August 1, 2018 for a total amount currently owed of \$8,400 against Respondent and which amount will continue to increase daily until verification of compliance has been established. Compliance can be met by contacting Code enforcement officers for a re-inspection of the property.

B. Case # 6-18-8152

New Case/ Repeat Offender

Owner Information: Eugene Volik

Loc. Address: 360 Dixson Street

RE: 9-31 Junk vehicle storage, 5-2 Outside storage, 8.7.11

Parking in the front yard,

9-18 Accumulation of litter on right of ways, 8.7.2 Access control

Code Enforcement Officer Pilarski presented his case: Mr. Pilarski noted that this is a residential property that has been found in violation of Orange City code 9-31 (abandoned and junk vehicles), 5-2 (care of premises), 10.6.9(A) (outside storage and display), 9-18(B) (accumulation of litter on property).

Recommendation: Staff recommends the Magistrate find the property owners in violation of the Orange City Code of Ordinances cited, with a fine of \$250 a day starting on 06/15/2018 or until compliance is met. Compliance can be met by removing inoperable cars, obsolete items, household goods, tools, and car parts from the carport, front of house and side of house.

Eugene Volik, 608 S. Hampton Ave., Orlando, came forward to state that he allow his son to live in the home and is very upset about the condition of his home.

Edward Volik, 360 Dixson St., came forward to report that the property is in compliance as of this morning.

The Magistrate closed the public hearing. Mr. Morgeson found that the respondent is in violation of the Orange City Code, as cited. Mr. Morgeson ordered that the Respondent correct the violations immediately and in order to correct the violations take the necessary actions. Because this is a repeat violation a fine will be imposed starting back to June 15, 2018 up to today for a total of 47 days, of \$150 a day, totaling \$7,050. The respondent should contact City Code Enforcement when compliance is met.

C. Case # 5-18-8126

Owner Information: Lamika Vishkurti

Loc. Address: 413 S Volusia Avenue

RE: 9-16 (A) (3) Grass/ Weeds, Dead Vegetation

Code Enforcement Officer Pilarski presented his case: Mr. Pilarski stated the property is in violation of Orange City Code of Ordinances Chapter 9, Sec. 9-16 (Grass, weeds, vegetation in excess of 12”).

Recommendation: Staff recommends the Magistrate find the property owners in violation of the Orange City Code of Ordinances as cited with a fine of \$250 a day from 05/24/2018 until compliance is met. Compliance can be met by maintaining overgrown vegetation and keeping to a regular maintenance schedule.

The Magistrate closed the public hearing. Mr. Morgeson continued the case for service. He noted that the Proof of Service not included in packet.

E. Case # 7-17-7723

New Case Owner Information:

Marilyn Medina/ Miguel Auto

Loc. Address: 384 S Industrial Drive

RE: 5-2 Auto lift/ electric without permit

Code Enforcement Officer Long presented her case: Ms. Long stated the property has been found in violation of Orange City Code of Ordinances, Chapter 5-2 – Local Supplement to the Florida Building Code (Section 105.1), structure erected without a permit and 5-2 (105.1), electric installed without a permit.

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinances, as cited and order that the respondent come into compliance by October 1, 2018 or a fine of \$250 a day fine until compliance is met. Compliance can be met by obtaining required permits and inspections.

Ms. McFarlane came forward to report that the applicant provided documents for application of a permit.

The Magistrate closed the public hearing. Mr. Morgeson found that the respondent is in violation of the Orange City Code, as cited. Mr. Morgeson ordered that the Respondent shall correct the violation by taking the remedial action as set forth in the notice of violation. If Respondent fails to timely correct the violations by December 1, 2018 a fine of \$250 will accrue for each day that the violations exist after such date. Respondent is further ordered to contact Code Enforcement officers to verify compliance with this order as may be necessary.

F. Case # 5-18-8121

New Case

Owner Information: Camille Murawski

Loc. Address: 743 E University Avenue

RE: 9-8 Grass/ Weeds

Code Enforcement Officer Long presented her case: Ms. Long stated the property has been found in violation of Orange City Code of Ordinances, Chapter 9-8 – Local Supplement to the Florida Building Code, Sec. 9-16 (302.4) (Grass, weeds, vegetation in excess of 12”).

Recommendation: Staff recommends the Magistrate find the property owners in violation of the Orange City Code of Ordinances, as cited and order compliance by August 15, 2018 or a fine of \$150 a day until compliance is met. Compliance can be met by cutting all grass/weeds on property exceeding the 12 inch limit.

The Magistrate closed the public hearing. Mr. Morgeson found that the respondent is in violation of the Orange City Code, as cited. Mr. Morgeson ordered that the case be continued for service, due to lack of service.

G. Case # 3-18-8060

New Case

Owner Information: Richard Darby

Loc. Address: 339 E French Avenue

**RE: 9-8 (302.4) Grass/ Weeds, 9-8 (302.1) Sanitary conditions
on property, 5-2 All structures must be in sound condition**

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 (302.4) Grass weeds greater than 12 inches, 9-8 (302.1) all structures need to be maintained.

Recommendation: Staff recommends the Magistrate find the property owners in violation of the Orange City Code of Ordinances, as cited and order compliance be met by September 1, 2018 or a fine of \$150 a day will accrue till compliance is met. Compliance can be met by cutting all grass/weeds on the entire property and conducting maintenance to the front porch area.

The Magistrate closed the public hearing. Mr. Morgeson found that the respondent is in violation of the Orange City Code, as cited. Mr. Morgeson ordered that the Respondent shall correct the violation on or before September 1, 2018 or a \$150 a day may be imposed. Respondent is ordered to contact Code Enforcement officers to verify compliance.

Adjournment

There being no further cases to discuss, the hearing was adjourned at 3:17 p.m.