

**Code Enforcement Hearing
Minutes
September 05, 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 # 2-18-8026

New Case

Owner Information: Famir Corp/Blue Springs Pizzeria

Loc. Address: 501 N Volusia Avenue

**RE: 8.7.7 (Off Street Parking), 10.6.6 (Dumpster Screening),
5-2 (Structure Erected Without Permit)**

Code Enforcement Officer Pilarski presented his case: Mr. Pilarski stated that this property has been found in violation of Orange City Code of 8.7.7 (off street parking), and 5-2 (erecting a structure without a permit). Mr. Pilarski stated that on February 13, 2018 Officer Long was made aware of code violations at said property (Blue Springs Pizzeria). He stated that notices were sent to all parties connected to the property on 03/05/2018. Due to lack of responsiveness a hearing was issued on 07/24/2018 to all parties connected to the property.

Recommendation: Staff recommends the Magistrate give the property owner, Faimir Corp., 6 months to submit an application for permitting and have it reviewed for approval on the above listed violations with a date of 03/04/2019. Failure to comply will result in fines of \$150.00 a day back dated to 03/04/2019.

Mirash Krasniqi, Share Holder of Famir Corp, came forward and stated that he sold the business in December of 2017 and the legal amount of parking spots have been grandfathered in.

Randall Smith, Attorney for Gold Coin Stores LLC (tenant), stated that the tenants were under the impression that the lease included the adjacent lot in question.

Gurdeep Salhotra, 1200 Integra Landings Dr. Apt. 307, business owner for Gold Coin LLC. Stated that she was not told there was an issue with the parking spaces.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the Respondent is in violation of City Codes cited and are to correct violations by March 4, 2019. In the event the respondent does not correct the violations a fine of \$150.00 a day will accrue for each day that the violations exist after such date. Respondent is further ordered to contact code enforcement to verify compliance with this order. .

B. Case # 6-18-8152
Revision
Owner Information: Eugene Volik
Loc. Address: 360 Dixon Street
RE: Finding of Fact Revision

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). Mr. Pilarski provided a brief background history of the case. He reported that at the 08/01/2018 Code Enforcement hearing, the Magistrate issued a Finding of Fact showing that the property owner was not in compliance as of the code enforcement deadline.

Office Pilarski stated that a fine of \$150.00/day was imposed for 47 days from 06/15/2018 totaling \$7,050.00 as of the hearing date. Upon reviewing the finding of fact and the property history it was found that an error was made by this officer with regard to this being a repeat offender on all of the listed violations. He reported that this property did not meet the requirements for being a repeat offender and therefore should not have had the fines imposed retroactively to 06/15/2018.

Recommendation: Staff recommends the Magistrate modify his earlier Finding of Fact and reverse the fines imposed due to officer error.

Debra Knutcher, City Attorney, came forward and recommended to dismiss the case and reduce all fines to \$0.

Edward Volik, 360 Dixon St., came forward and stated that he was happy with the results of the Code Enforcement findings

The Magistrate closed the public hearing. Mr. Morgeson stated that the case is dismissed and the fines have been reduced to \$0.

C. Case # 6-18-8141
New Case
Owner Information; Jimmy Stevens
Loc. Address: 346 W University Avenue

**RE: 9-8 302.4 (grass/ weeds above
the 12 inch max) 9-8 301.3
(Accumulation of vegetation)**

Officer Pilarski presented his case: Mr. Pilarski stated the property is in violation of Orange City Code of Ordinances of 9-8, (grass, weeds, vegetation in excess of 12”) and 9-8 (maintenance of property).

Recommendation: Staff recommends the Magistrate find the property to be in non-compliance, and impose a \$150.00 fine per day until property comes into full compliance. A compliance date of October 5, 2018 was implied.

The Magistrate closed the public hearing. Mr. Morgeson found the respondent in violation ~~of code violations~~ as cited and ordered that the Respondent shall correct the violations by taking the remedial action set forth. If Respondent fails to timely correct the violations by October 5, 2018 a fine of \$150.00 a day will accrue for each day that the violations exist after such date. Respondent is further ordered to contact Code Enforcement to verify compliance with this order.

D. Case # 10-15-6387
Lien Reduction Owner Information: James Petipas
Loc. Address: 1717 Monastery Road
RE: Lien Reduction

Code Enforcement Officer Long presented her case: Ms. Long stated the property cited is a lien reduction. She reported the code violations included 9-8(301.3), 9-8(302.4) and 101.4.5 9(302.7) and that all violations have been brought into compliance on April 16, 2018 (440 days after lien granted). The total lien amount is \$85,050.

Recommendation: Staff recommends the Magistrate grant the lien reduction and lower amount owed to \$5,500 to be paid to the city within 30 days.

Elizabeth Petipas, 5 Sweetwater Ave. Benford, Mass., POA for property owner, came forward to thank Code Enforcements efforts with this property. Ms. Petipas provided a brief history of the case. She asked for the presented lien amount to be lowered.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the fine be reduced to \$5,000 to be paid on or before October 5, 2018 failure to pay the reduced fine will cause the fine to be reverted to the original amount.

E. Case # 12-17-7971
Owner Information: Common Wealth Trust Service
Loc. Address: 935 Joe Street #9
RE: Noncompliance/ Property Lien

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) (12” grass, weeds, plants & violations). Currently the property is in compliance. Staff is seeking an administrative fine from May 05, 2018 to August 22, 2018. 108 days of non-compliance totaling \$16,200.

Recommendation: Staff recommends the Magistrate grant a lien on said property in the amount of \$16,200.

The Magistrate closed the public hearing. Mr. Morgeson found that an administrative fine is imposed for 108 days of non-compliance beginning May 5, 2018 through and including August 21, 2018 for a total amount currently owed of \$16,200.00 against Respondent. This Order may be recorded in the Public Records of Volusia County and thereafter shall constitute a lien against the following described land on which the violations exists and upon any other real or personal property owned by Respondent.

F. Case # 11-17-7872
Owner Information: Napoleon Garcia
Loc. Address: 763 W Blue Springs Avenue
RE: Foreclosure

Code Enforcement Officer Long presented her case: Ms. Long requested a lien foreclosure authorization. She provided a brief background of the case presented.

Recommendation: Staff recommends that the Magistrate grant a lien on said property in the amount of \$64,750.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the administrative lien dated February 8, 2018 has remained unsatisfied for an excess of three months, it is therefore ordered that Code Enforcement is authorized to proceed with the foreclosure or enforcement of the lien as it deems appropriate.

G. Case # 5-18-8097
Owner Information: Cheryl Lynn Bauder
Loc. Address; 314 E Cherokee Avenue
RE: 9-8 302.1 (Exterior Property Maintenance), 9-8 302.4 (Grass/ Weeds above 12 Inches), 12.5-2 (A) (Right of Way Maintenance)

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 above the 12 inch maximum, 9-8(302.1) exterior property must be maintained in a safe and sanitary condition, 6.1 (b) accumulation of tree debris, 12.5-2(a) right of way maintenance.

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 October 8, 2018 or a fine of \$150 a day until compliance is met. Compliance can be met by removing all tree debris.

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 October 8, 2018 or a \$150 a day may be imposed until compliance is met. 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.