

**Code Enforcement Hearing
Minutes
February 06, 2019**

Present: D. John Morgeson Jr., Special Magistrate
Debra Knutcher, City Attorney
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**
Lien Reduction
Owner Information: **Filam 4 United LLC**
Loc. Address: 1495 S Volusia Avenue
RE: Lien Reduction

Code Enforcement Officer Pilarski presented his case: Mr. Pilarski stated that on August 1, 2018, a lien hearing was conducted and a lien was imposed for an amount of \$8,400, with fines still accruing at \$150.00/day. The end total as of the compliance date of 10/26/2018 was \$21,300.00. The property is in full compliance with all necessary inspections and approvals.

Joel White, Haverherd Ct. Debary, Managing Member, came forward to thank the City.

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinance as cited and order a lien reduction be imposed bringing the total of the lien to \$500.00.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the fine be reduced to \$500.00. Respondent is further ordered to contact Orange City Code Enforcement to verify compliance with this order as may be necessary hereafter.

It is further ordered that the violations present a serious threat to the public health, safety and welfare and it is ordered that, by copy of this order, Orange City be notified of said condition pursuant to Sections 162.06(4) and 162.09(1), Florida Statutes.

- B. Case # **10-18-8300**
Owner Information: **Long Builders Inc.**
Loc. Address: 961 Beau Ct
RE: 9-8 (12" weeds, grass, plants and vegetation)

Code Enforcement Officer Pilarski presented his case: Mr. Pilarski stated that the above mentioned address has been found in violation of Orange City Code of Ordinances *9-8 Adoption of IPMC 2012 Section 302.4[12" weeds, grass, plants, & vegetation]*

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinances as cited above and issue a finding of fact for this violation and property owner.

The Magistrate closed the public hearing. Mr. Morgeson ordered that based upon the foregoing findings of fact and conclusion of law, it is hereby ordered that the respondent is in violation of the Orange City Codes as cited above and ordered that the respondent bring such violations into compliance prior to the hearing held today February 6, 2019.

- C. Case # **9-18-8260**
New Case Owner Information; **Aubrey Howe**
Loc. Address: 417 Dixson Street
RE: 9-12 (Fence maintenance)

Code Enforcement Officer Pilarski presented his case: Mr. Pilarski stated that the property listed above has been found in violation of Orange City Code of Ordinances: 9-12 [Fences, screen walls, and retaining walls].

Recommendation: Staff recommends the Magistrate find the property owners in violation of the Orange City Code of Ordinances as cited above, and give until April 06, 2019 to fix the fence or be subject to a \$150.00 per day fine for every day of non-compliance after said date.

The Magistrate closed the public hearing. Mr. Morgeson found the Respondent is in violation of the above stated ordinance. Mr. Morgeson ordered that the respondents correct the violations by taking the remedial action as set forth in the notice of violation. If Respondent fails to timely correct the violations by April 6, 2019, a fine of \$150.00 will accrue for any such violation that exists after such date. Respondent is further ordered to contact City Code Enforcement to verify compliance with this Order as may be necessary hereafter.

- F. Case # **12-18-8326**
New Case Owner Information: **Salvador Ramirez**
Loc. Address: 1065 S Volusia Avenue # B5

RE: 5-2 (Work without permit)

Code Enforcement Officer Pilarski presented his case: Mr. Pilarski stated that the above stated property has been found in violation of *Orange City Code of Ordinances, Chapter 5, Buildings, Housing and Structural Requirements, Section 5-2 Local supplement to the Florida Building Code., and Section 105.1 Permits Required (FBC)* work without a permit.

Recommendation: Staff recommends the Magistrate find the property owners in violation of the Orange City Code of Ordinance cited above. Compliance can be met by obtaining any and all permits and inspections for work that has commenced, and to be completed by March 06, 2019 or a fine of \$150.00 per day until compliance is met after that date.

James Terneus, 1420 SE. 150th St Summerfield, Fla 34491, general contractor here on behalf of owner. Salvador Ramirez has authorized Mr. Terneus to speak for him. Mr. Terneus stated that he has submitted an application for the permit this morning. Mr. Terneus will submit a notarized copy of the permit application.

Mr. Morgeson reiterated staff's recommendation for compliance.

The Magistrate closed the public hearing. Mr. Morgeson found the Respondent is in violation of the above stated Ordinance. He ordered that 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 violation by March 06, 2019 a fine of \$150 will accrue until compliance is met. Respondent is further ordered to contact Orange City Code Enforcement to verify compliance with this order.

Adjournment

There being no further cases to discuss, the hearing was adjourned at 3:00 p.m.