

**Code Enforcement Hearing
Minutes
December 04, 2019**

Present: D. John Morgeson Jr., Special Magistrate
Debra Knutcher, City Attorney
Officer Carrie Long
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/her 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 instructed the audience members 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 # 8-18-8195
Foreclosure Request
Owner Information: Paulette Arata
Loc. Address: 515 E Lansdowne Avenue
RE: Request for Foreclosure of Lien

Code Enforcement Officer Long presented her case: Ms. Long stated that the above property was previously presented on April 3, 2019. The Magistrate granted a lien on the property in the amount of \$14,250 at that time. As of today the property is still in non-compliance with a total of \$61,000 accrued in fees. The total amount of the fees to date is \$75,250 and is still accruing.”

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinances as cited and issue a foreclosure of lien authorization.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the Respondent has failed to comply with the previous order on April 3, 2019. Mr. Morgeson ordered that the Petitioner is authorized to proceed with the foreclosure or enforcement of the lien as it deems appropriate.

C. Case # 07-19-08594
New Case
Owner Information; Kathy Wellmaker
Loc. Address: 399 N Orange Avenue
RE: 5-2 (Structure Erected Without Permit)

Code Enforcement Officer Long presented her case: Ms. Long stated that the above address is a licensed daycare. The property has been found in violation of Orange City Code of Ordinances 5-2 (105-1) Permit required for new large playground erected without proper permits and inspections.

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinance as cited with a compliance date of February 3, 2020 or a fine of \$250 a day will accrue until compliance is met. Compliance can be met by obtaining required permitting with a satisfactory final inspection or removal of structure.

Kathy Wellmaker, 540 Baldwin Ct. Deltona, FL., owner of the daycare facility stated that she has never had to apply for permits on past playground structures.

Debra Knutcher, City Attorney, came forward to state that the City would like enforcement of the provided deadline.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the respondent is in violation of the City codes as cited. He ordered that the respondent shall take the corrective action as specified in the Notice of Violation. If Respondent fails to timely correct the violation on or before February 3, 2020 a fine of \$250.00 will accrue for each day that the violation exists after said date. The Respondent is further ordered to contact Code Enforcement to verify compliance with the order as may be necessary hereafter.

D. Case # 08-19-08705
New Case
Owner Information: Gomes Properties LLC
Loc. Address: 1280 S Thorpe Avenue
RE: 9-8 (302.1) (Exterior Property Maintenance),
8.6.1 (Schedule of Zoning Districts)

Code Enforcement Officer Long presented her case: Ms. Long stated that the property above is a commercial property occupying several businesses. This property has been found in violation of Orange City Code of Ordinance 8-6-1 Schedule of zoning districts, Uses not listed are prohibited unless permitted by Development Services and 9-8 (302.1) Exterior property maintenance.

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinance as cited and order the respondent to be in compliance by January 1, 2020 or a fine of \$150 a day fine will accrue until compliance is met. Compliance can be met by obtaining the required permitting permission from Development Services for outside storage and or by removing all outside storage of building materials.

Carol McFarlane, City Planner, came forward to clarify the City Code definition of Light Industrial Use. She stated that storage should be conducted either within a building or within a completely

screened enclosure. Ms. McFarlane recommended a chain link fence with vinyl screening around the property if the tenant continues to store the items outside.

Manuel Gomes, 2462 Ventura Ct. Deltona, came forward to state that he was not aware that the zoning needed a fence. He requested that the City extend the time to erect a fence to 90 days due to the holidays

The Magistrate closed the public hearing. Mr. Morgeson ordered that the respondent is in violation of the code section as cited, and found that the respondent is in violation of the city codes as cited. The respondent was ordered to correct the violation by January 15, 2020. He noted that a fine of \$150.00 will accrue for each day that any such violation exists after said date. The Respondent is further ordered to contact Code Enforcement to verify compliance with this order as may be necessary hereafter.

Adjournment

There being no further cases to discuss, the hearing was adjourned at 2:29 p.m.