

Code Enforcement Hearing
Minutes
November 06, 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 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 # 4-19-08529
Noncompliance / Property Lien
Owner Information: Environmental Holdings Florida LLC
Loc. Address: 0 N Volusia Avenue
RE: Noncompliance/ Property Lien

Code Enforcement Officer Long presented her case: Ms. Long stated that this case was brought forward previously at the August 7, 2019 Code Enforcement Hearing. She noted that the property owner was given ample time to bring the property into compliance.

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

The Magistrate closed the public hearing. Mr. Morgeson ordered that the Respondent has failed to comply with the August 8, 2019 Findings of Fact, Conclusions of Law and Order by failing to yet correct the violations at the time of this hearing. Mr. Morgeson hereby ordered that an administrative fine be imposed for 77 days of non-compliance beginning August 22, 2019 through and including November 6, 2019 for a total amount currently owing of \$19,250.00 against the Respondent. The fine will continue to accrue until compliance is met. 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 violation exists and upon any other real or personal property owned by Respondent.

- B. Case # 9-18-8237
Noncompliance/ Property Lien
Owner Information: Sanju Taneja
Loc. Address: 628 Dixson Street
RE: Noncompliance/ Property Lien

Code Enforcement Officer Long presented her case: Ms. Long stated that this case was previously presented to the Magistrate and ordered a lien on the property. She noted that the previous order required compliance by September 08, 2019 or a fine of \$250.00 a day would be assessed. The property is still in non-compliance and Code Enforcement is now requesting a property lien for 59 days of non-compliance in the amount of \$250.00 day totaling \$14,750.00 and still accruing.

Recommendation: Staff recommends the Magistrate find the property owner guilty of non-compliance and issue a property lien. The lien amount as of today totals \$14,750.00 and is still accruing.

Ms. Long stated that a permit has not been issued for a shed on the property as of today.

Carol McFarlane, City Planner, came forward to clarify that a permit has been issued, final inspection was requested on August 08, 2019, which failed and there have been no further requests for inspections.

Neikole Pate, girlfriend of the occupant, came forward on behalf of the respondent to state that all work has been completed to the shed in question.

Ms. Long stated that a final passing inspection needs to be completed establishing a passing electrical state of the shed or removal from the property.

The Magistrate closed the public hearing. Mr. Morgeson ordered based on the testimony of the evidence given in this case, ordered that based upon the testimony and evidence submitted, the Special magistrate finds that the Respondent has failed to comply with the August 8, 2019 Findings of Fact, Conclusions of Law and Order by failing to yet correct the violations at the time of this hearing, Therefore it is hereby ordered that an administrative fine is imposed for 60 days of non-compliance beginning September 8, 2019 through and including November 6, 2019 for a total amount currently owing \$15,000 against Respondent which fine will continue to accrue until compliance is met.

- C. Case # 9-18-8238
Request for Foreclosure
Owner Information; Sanju Taneja
Loc. Address: 628 Dixson Street
RE: Foreclosure of Lien Request

Code Enforcement Officer Long presented her case: Ms. Long requested authorization to foreclose on the existing lien. The imposing lien was applied and recorded on July 12, 2019, the lien has been on the records for more than 90 days and is still outstanding as of today.

Ms. Pate came forward to report that the fence has been erected and rocks have been laid.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the City may have authority to apply a foreclosure lien on the property, as so desired.

- D. Case # 6-19-08566
New Case
Owner Information: Professional Sunshine Roofing Inc.
Loc. Address: 922 Shadick Drive
RE: 5-2 (Work Without A Permit)

Code Enforcement Officer Long presented her case: Ms. Long stated that the above address is a commercial property in an industrial area. This property has been found in violation of Orange City Code of Ordinances 5-2 (105.1) Permit required for new second floor door, casing for door, deck and stairs all completed without property permits and inspections.

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinance as cited and order that the property be in compliance by January 1, 2020 or a fine \$150 a day will accrue until compliance is met. Compliance can be met by obtaining required permitting and a satisfactory final inspection, or removal of the structure.

Joseph Ruiz, Senior Planner, came forward to state that staff received the response to comments from correspondence with the building official and have transmitted those documents to the Fire Department for review.

Wes Crowley, 2014 Edgewater Dr. Orlando, Fla., CFO for Professional Sunshine Roofing Inc., stated that the property could be brought into compliance by the end of the year.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the respondent is in violation of the code section as cited, Respondent is given until January 1, 2020 to bring property into compliance or a fine of \$150.00 will accrue for each day that the violations exist after such date. Respondent is further ordered to contact City Code Enforcement to verify compliance has been met.

- E. Case # 6-19-08567
New Case
Owner Information: Professional Sunshine Roofing Inc.
Loc. Address: 992 Shadick Drive
RE: 5-2 (Work Without A Permit)

Code Enforcement Officer Long presented her case: Ms. Long stated that the above property is a commercial property in an industrial area. This property has been found in violation of Orange City Code of Ordinance 5-2 (105/1) Permit required, for new slabs poured 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 and order a fine of \$150 a day such fine will accrue until compliance is met. Compliance can be met by obtaining required permitting and a satisfactory final inspection or remove of structures.

The Magistrate closed the public hearing. Mr. Morgeson advised that due to insufficient evidence the Respondent was not in violation of City Codes cited. He order that the case be dismissed.”

H. Case # 7-19-08637
New Case
Owner Information: Valdimir Arutyunov
Loc. Address: 1225 S Volusia Avenue
RE: 9-10 (Roof Maintenance), 9-8 (Grass/ Weeds Greater Than 12 Inches)

Code Enforcement Officer Long presented her case: Ms. Long stated that the above stated property is vacant commercial property. This property has been found in violation of Orange City Code of Ordinance 9-8 (302.4) grass/weeds greater than the allotted 12 inch maximum and 9-10 roof maintenance.

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinance as cited and order compliance be met by December 1, 2019 or a fine of \$150 a day fine will accrue until compliance is met. Compliance can be met by conducting maintenance to the roof of the primary structure and by cutting grass/weeds above the 12 inch maximum.

Valdimir Arutyunov, came forward to state that the property has been sold to another company.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the above cited property is in violation of code sections as cited. He ordered that the respondent correct the violations on or before December 31, 2019. If Respondent fails to timely correct the violations a fine of \$100 will accrue for each day that either violation exists after such date. Respondent is further ordered to contact City Code Enforcement to verify compliance with this order as may be necessary.

Adjournment

There being no further cases to discuss, the hearing was adjourned at 2:54 p.m.