

**Code Enforcement Hearing
Minutes
September 02, 2020**

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 # 6-18-814100
Request for Lien Reduction
Owner Information: Jimmy Stevens
Loc. Address: 346 W University Avenue
RE: Request for lien reduction

Code Enforcement Officer Long presented her case: Ms. Long stated that the purchaser of the property has come forward to request a lien reduction previously assessed on the past property owner. Ms. Long stated that the property has come into compliance on or about February, 2019, 57 days after the lien was granted in the amount of \$17,700. Ms. Long stated that the recorded amount is \$9,150.

Ms. Long noted that the purchaser was offered a lien reduction of \$500 and the lien would be closed. However, the purchaser chose to come before the Magistrate to seeking a lien reduction of \$250. However, since that time the City has reviewed the hard fees and have determined that a lien reduction of \$1,000 will allow the City to recoup expenses.

Recommendation: Staff recommends that the Magistrate grant lien reduction and lower the amount owed to \$1,000 to be paid to the City within 30 days.

Debra Knutcher, City Attorney, came forward to request the Magistrate approve the requested lien reduction of \$1,000.

Amy Waldman, 328 W. University Ave., came forward to state that she lives next door to the property and is in the process of purchasing it from the current owner. Ms. Waldman said she would like to pay the reduced amount of the lien to move forward.

Ms. Waldman stated that she spoke with Code Enforcement regarding the lien and was advised she could, pay \$500 or appear at the next Code Enforcement hearing for a possible lien reduction to \$250. Ms. Waldman noted that since then, she has been told that there was a “glitch” and that the protocol has been changed. She voiced her discouragement regarding paying the reduced fee of \$1,000.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the existing fine and lien be reduced to \$1,000 and be paid on or before October 2, 2020.

B. Case # 03-20-08784
Noncompliance/ Lien
Owner Information: Nancy Church
Loc. Address: 105 W Elm Drive
RE: Finding of Fact

Code Enforcement Officer Long presented her case: Ms. Long stated that the property has not been brought into compliance as ordered as of today.

Recommendation: Staff recommends that the Magistrate find the Respondent guilty of noncompliance and issue a property lien in the amount of \$15,000.

Samantha McGlashing, 105 W. Elm Dr., stated that the property has been cleaned however, the pallets have been stacked along the fence waiting to build a deck.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the Respondent has failed to comply with the June 5, 2020 Findings of Fact, Conclusions of Law and Order by failing to yet correct the violation at the time of this hearing, therefore it is ordered that an administrative fine is imposed for 61 days of noncompliance beginning July 4, 2020 through and including September 2, 2020 for a total amount currently owing of \$15,250 against Respondent which 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 exist and upon any other real or personal property owned by Respondent.

C. Case # 10-19-08718
Noncompliance / Lien
Owner Information; Malagon Ramirez
Loc. Address: 239 S Volusia Avenue
RE: Finding of Fact

Code Enforcement Officer Long presented her case: Ms. Long stated that this case has been previously presented on June 03, 2020 in regards to work being completed without proper permits. She states that as of today the property is still in noncompliance.

Recommendation: Staff recommends that the Magistrate find the Respondent guilty of noncompliance and issue a property lien in the amount \$4,500.

Kimberly Reading, Senior Planner, came forward to report that a building permit application was submitted this afternoon. She stated that the permit will take approximately two weeks for review.

Juan DeSosa Jr., 415 Calhoun Pl. Orlando, came forward as a representative for Malagon Ramirez. Mr. DeSosa stated that Mr. Ramirez is requesting more time to bring the home into compliance.

Ms. Long stated that the respondent was referring to the wrong address, the correct address is 239 S. Volusia Ave.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the Respondent is noncompliance according to the order of June 05, 2020 and an administrative fine creating a lien is added at \$150.00 a day running from August 2, 2020 to this day of September 02, 2020 totaling a fine amount of \$4,800.

E. Case # 08-20-08931
New Case/ Repeat Offender
Owner Information: Jason Wood
Loc. Address: 974 N Orange Avenue
RE: 8-9 Business without Business Tax Receipt

Code Enforcement Officer Long presented her case: Ms. Long stated that on June 3, 2020 Case # 03-20-08781 was brought to hearing in reference to a business being operated out of this single family structure, without a current business tax. The finding of fact gave until July 3, 2020 to either cease business or obtain the required business tax receipt. The business tax receipt was issued on June 12, 2020 with several stipulations that included no clients, customers or employees shall visit the premises.

Ms. Long stated that the following month the neighbor sent multiple photos of people picking up merchandise at the residence. A video was posted to Facebook inviting everyone to stop by and shop. It was this video that prompted the Development Services Director Becky Mendez to revoke the business tax receipt. However, business is still being conducted at the residence.

Recommendation: Staff recommends that the Magistrate find the Respondent, a repeat offender, guilty and issue a lien going back to July 3, 2020 at \$150/day until business ceases at the location and customers are no longer visiting the property to shop or pick up merchandise.

Elise Snedeker, 973 N. Orange Ave., came forward to state that daily traffic and business is still being conducted at the above property.

Jason Wood, 974 N. Orange Ave., came forward to state that no business is being conducted.

Shannon Wood, 974 N. Orange Ave., came forward to state that she feels Ms. Snedeker is a bully and her family will be moving from the property.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the Respondent is in repeat violation of City Code from August 13, 2020, up through and including September 02, 2020 and shall incur a total fine of \$2,000. Respondent is further ordered to contact Code Enforcement to verify future compliance with this order as may be necessary hereafter.

F. Case # 04-20-08823
New Case
Owner information: Jason Wood
Loc. Address: 974 N Orange Avenue
RE: 5-3 Stop Work Order, 5-2 Permit required for Pool and Deck

Code Enforcement Officer Long presented her case: Ms. Long stated that the above stated property has been found in violation of City Code of Ordinance 5-2 (105.1) Permit required for erecting a swimming pool and deck.

Recommendation: Staff recommends that the Magistrate find the Respondent in violation of City Codes as cited with compliance by October 2, 2020 or a fine of \$250/day will accrue until compliance is met. Compliance can be met by obtaining required permitting with satisfactory routine inspections until a final of all permits are obtained or complete removal of the pool and the deck.

Ms. Reading came forward to state that a permit could be obtained within 30 days.

Jason Wood, 974 N. Orange Ave., came forward to state that he was unaware that a permit was needed.

The Magistrate closed the public hearing. 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 violation on or before October 15, 2020 a fine of \$150 will accrue for each day that any such violation exists after such date. Respondent is further ordered to contact Code Enforcement to verify compliance with this order as may be necessary hereafter.

I. Case # 06-20-08899
New Case
Owner information: Armand Toletti
Loc. Address: 196 S Industrial Drive
RE: 9.2.2 (Ord 558) Building Permit For New Sign

Code Enforcement Officer Long presented her case: Ms. Long stated that the above address is commercial property. This property has been found in violation of Orange City Code of Ordnances 9.2.2 permit for sign erected without.

Recommendation: Staff recommends that the Magistrate find the Respondent in violation of the City Code, as cited, by October 2, 2020 or a fine of \$150/a day will accrue until compliance is met.

Compliance can be met by obtaining the required sign permit with a final of permit or removal of the sign structure.

Armond Toletti, 48 Pine Dr. Debary, stated that he was unaware that a permit was needed to install a sign.

The Magistrate closed the public hearing. 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 violation on or before October 15, 2020, a fine of \$150 will accrue for each day that any such violation exists after such date. Respondent is further ordered to contact City 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.