

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
Wednesday, March 26, 2014**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, March 26, 2014 in the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 5:30 p.m. by Special Magistrate Cino.

2. ROLL CALL:

Special Magistrate	Charles Cino	Present
Hearing Clerk	Dana Johnson	Present
Director of Department	Dale Baker	Present

Also present were: Enforcement Services Officers: Richard Lovett, Dennis Mues, Shanna Hogan, Tray Black, Julie Hughes, Danita Thompson, and Steve Braukhoff.

3. STATEMENT BY SPECIAL MAGISTRATE:

Presented by Charles Cino.

Mr. Cino has taken Judicial Notice of all City of Deltona Ordinances, State Statutes, Florida Building and Fire Code and the International Property Maintenance Code.

4. PLEDGE OF ALLEGIANCE:

5. DISCLOSURE OF EX PARTE COMMUNICATIONS: None

6. APPROVAL OF MINUTES:

The Minutes of the Special Magistrate Hearing for February 26, 2014 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of the Building and Enforcement Services Department stated that under Old Business, case(s) DEL-14-015 is in compliance, and under New Business, case(s) DEL-14-067, DEL-14-071, DEL-14-072, DEL-14-073 and DEL-14-075 are/were withdrawn and DEL-14-069 is continued until April 23, 2014.

8. SWEARING IN OF OFFICERS AND WITNESSES:

Special Magistrate Charles Cino swore in all that were present to testify.

9. OLD BUSINESS:

A. DEL-13-267

**Wesley A. & Tracy A. Hill
1583 N. Page Dr., Deltona, Florida 32725
Property Address: 1583 N. Page Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-55-17-0040**

Violation of City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 304.7, which states that the roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. (Enforcement Services Officer Julie Hughes)

Affidavit of Compliance submitted by the officer and an Order of Compliance was signed by the Special Magistrate.

B. DEL-14-015

**Jorge L. Medina
990 Windbrook Dr., Deltona, Florida 32725
Property Address: 990 Windbrook Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-12-01-0110**

Violation of City of Deltona Ordinance, Section 14-201(a) Every person who owns or harbors a dog or cat in the city shall have such dog or cat annually vaccinated against rabies by a licensed veterinarian. Evidence of such vaccination shall consist of a current certificate issued and signed by the veterinarian administering the vaccination. The owner or custodian of any animal required by this section to be inoculated against rabies shall keep a current rabies tag with the year attached to the animal at all times. (Enforcement Services Officer Shanna Hogan)

Affidavit of Compliance submitted by the officer and an Order of Compliance was signed by the Special Magistrate.

C. DEL-14-040

**320 Stratford Commons 32728 LLC
521 E. 3rd St., Brooklyn, NY 11218
Property Address: 320 Stratford Commons, Deltona, Fl. 32725
Parcel No.: 25-18-30-09-00-0010**

Violation of City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 302.2, which states that all premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. (Enforcement Services Officer Richard Lovett)

An Order Imposing Penalty/Lien was issued for \$100.00 a day until in compliance or the cap of \$20,000.00 to be effective on April 24, 2014.

D. DEL-14-048

**Bruce M. & Kimberly Teitelbaum
1715 Concert Rd., Deltona, Florida 32738
Property Address: 1715 Concert Rd., Deltona, Florida 32738
Parcel No.: 30-18-31-45-33-0040**

Violation of City of Deltona Ordinance, Section 66-18(a), which states that no vehicle greater than 10,000 pounds manufacturer's gross vehicle weight or designed to carry 16 or more passengers, or requiring a commercial driver's license (CDL) of any endorsement to operate shall be parked or stored in any residential or agricultural zoning district except in agricultural areas on lots of five acres or more. (Enforcement Services Officer Dennis Mues)

Found to be in Non Compliance, executed actions to come into compliance and case was dismissed.

E. DEL-14-051

**Abigail Bugno
2855 Beaver Dr., Deltona, Florida 32725
Property Address: 2855 Beaver Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-39-10-0170**

Violation of City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit. (Enforcement Services Officer Richard Lovett)

An Order Imposing Penalty/Lien was issued for \$100.00 a day until in compliance or the cap of \$20,000.00 to be effective on April 24, 2014.

9. **NEW BUSINESS:**

A. **DEL-14-047**

Deltona Square LLC

259 E. Rand Rd., Apt. 200, Mount Prospect, IL 60056

Property Address: 577 Deltona Blvd., Deltona, Florida 32725

Parcel No.: 36-18-30-05-09-0040

Violation of City of Deltona Ordinance, Section 18-5, which adopting the latest edition of the International Property Maintenance Code, Section 302.7, which states all accessory structures, including detached garages, fences and walls, shall be maintained and kept in good repair and sound structural condition. (Enforcement Services Officer Dennis Mues)

Order of Non Compliance with a Hearing to Impose Fine at the April 23, 2014 Code Hearing.

B. **DEL-14-062**

Michael Giordano

2578 Enterprise Rd. 311, Orange City, Florida 32763

Property Address: 2489 Treehaven Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-40-09-0150

Violation of City of Deltona Ordinance, Section 18-5 adopting the latest edition of the International Property Maintenance Code, Section 303.1, which states that swimming pools shall be maintained in a clean and sanitary condition, and in good repair. (Enforcement Services Officer Danita Thompson)

An Order Imposing Penalty/Lien was issued for \$100.00 a day until in compliance or the cap of \$20,000.00 to be effective on April 24, 2014.

C. **DEL-14-064**

Shirley A G Huaman Trustee

105 N. Virginia Ave., Sanford, Florida 32771-1569

Property Address: 1181 W. Page Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-55-20-0040

Violation of City of Deltona Ordinance, Section 38-110 (2), which states that accumulations of waste, yard trash, rubble and/or debris are declared to be a nuisance and must be abated in their entirety. (Enforcement Services Officer Tray Black)

Order of Non Compliance with a Hearing to Impose Fine at the May 28, 2014 Code Hearing. Denise Roberts, Property Manager representing the owner was present and Gina Griffith, tenant was present.

D. DEL-14-066

Cheryl M. Jenkins

3829 Calliope Ave., Port Orange, Florida 32129

Property Address: 2290 Haulover Blvd., Deltona, Florida 32738

Parcel No.: 30-18-31-33-24-0030

Violation of City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 304.2, which states that all exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, and shall be kept in sound working condition and maintained in good repair. (Enforcement Services Officer Steve Braukhoff)

Order of Non Compliance with a Hearing to Impose Fine at the April 23, 2014 Code Hearing

E. DEL-14-067

John G. Hernandez and Gladys N. Merced-Hernandez H&W

773 Vercelli St., Deltona, Florida 32725-3520

Property Address: 1532 Deltona Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-01-04-0080

Violation of City of Deltona Ordinance, Section 14-141(c) It shall be the duty of the owner or person responsible for any dog or cat brought into the city or acquired to have the dog or cat licensed in accordance with this division within 15 days after the dog or cat is brought into the city or acquired, or before the dog or cat reaches six months of age, whichever comes first. (Enforcement Services Officer Steve Braukhoff)

Withdrawn.

F. DEL-14-069

**Juan Faria and Ramonita Segarra
2928 Garrett St., Deltona, Florida 32738
Property Address: 2928 Garrett St., Deltona, Florida 32738
Parcel No.: 30-18-31-43-02-0020**

Violation of City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit – permit for re-roof. (Enforcement Services Officer Steve Braukhoff)

Case was continued until April 23, 2014.

G. DEL-14-070

**Theresa B. French
1072 Abadan Dr., Deltona, Florida 32725-6902
Property Address: 1072 Abadan Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-10-12-0210**

Violation of City of Deltona Ordinance, Section 14-141(c) It shall be the duty of the owner or person responsible for any dog or cat brought into the city or acquired to have the dog or cat licensed in accordance with this division within 15 days after the dog or cat is brought into the city or acquired, or before the dog or cat reaches six months of age, whichever comes first. (Enforcement Services Officer Shanna Hogan)

An Order Imposing Penalty/Lien was issued for \$25.00 a day effective March 27, 2014 until in compliance or the cap of \$10,000 is reached.

H. DEL-14-071

**Robert Scott Tomlinson
251 Glencove Dr., Deltona, Florida 32738
Property Address: 251 Glencove Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-63-18-0180**

Violation of City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct,

enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit – permit for fence. (Enforcement Services Officer Julie Hughes)

Withdrawn.

I. DEL-14-072

Wayne A. & Janice D. Cuesta

2648 Valmora Ct., Deltona, Florida 32738-8819

Property Address: 2648 Valmora Ct., Deltona, Florida 32738

Parcel No.: 30-18-31-41-23-0030

Violation of City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit – permit for above ground pool. (Enforcement Services Officer Julie Hughes)

Withdrawn.

J. DEL-14-073

Greg Monroe

2736 Kingsdale Dr., Deltona, Florida 32738

Property Address: 2736 Kingsdale Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-59-09-0080

Violation of City of Deltona Ordinance, Section 14-3(a) it shall be unlawful to keep, maintain or raise in the city the following animals:
2) Any animal belonging to the family Phasianidae or family Anatidae, all species, including but not limited to chickens, roosters, turkeys, peacocks, geese and ducks. (Enforcement Services Officer Julie Hughes)

Withdrawn.

K. DEL-14-074

George M. and Nancy R. Brunette.

1720 Ansley Ct., Deltona, Florida 32725-4586

Property Address: 1720 Ansley Ct., Deltona, Florida 32725

Parcel No.: 30-18-31-03-20-0220

Violation of City of Deltona Ordinance, Section 66-16, which states that it shall be unlawful for any person to park any motor vehicle in or on a right-of-way unless the motor vehicle is parked headed in the direction of traffic. It shall be unlawful for any person to park any motor vehicle in or on a right-of-way for more than two days in a seven day period. Section 66-18 (i) states that all vehicles parked or stored on property must be registered or assigned to the resident or their temporary guest. (Enforcement Services Officer Richard Lovett)

Tow Order was issued by the Special Magistrate effective March 26, 2014. George and Nancy Brunette were present.

L. DEL-14-075

Wilfredo & Sonia Mulero

1490 Jupiter Ave., Deltona, Florida 32738

Property Address: 1490 Jupiter Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-43-60-0080

Violation of City of Deltona Ordinance, Section 18-5, which adopting the latest edition of the International Property Maintenance Code, Section 302.7, which states all accessory structures, including detached garages, fences and walls, shall be maintained and kept in good repair and sound structural condition. (Enforcement Services Officer Jonathan Hogan)

Withdrawn.

10. OTHER and REPEAT BUSINESS:

A. DEL-14-042 Repeat of DEL-12-107

Honorio Hernandez & Nilda Hernandez

930 Radcliff St., Deltona, Florida 32725

Property Address: 930 Radcliff St., Deltona, Florida 32725

Parcel No.: 30-18-31-30-17-0090

Violation of City of Deltona Ordinance, Section 38-110 (2), which states that accumulations of waste, yard trash, rubble and/or debris are declared to be a nuisance and must be abated in their entirety. (Enforcement Services Officer Shanna Hogan)

An Order Imposing Penalty/Lien was issued for \$100.00 a day effective April 2, 2014 until in compliance or the cap of \$20,000.00 is reached. Honorio and Nilda Hernandez were present.

- B. DEL-14-055 Repeat of DEL-10-011**
William & Tawnya Kirkpatrick
2341 Ainsworth Ave, Deltona, Florida 32738
Property Address: 2341 Ainsworth Ave, Deltona, Florida 32738
Parcel No.: 30-18-31-32-06-0050

Violation of City of Deltona Ordinance, Section 66-19(3), which states boats/trailers/recreational vehicles shall not be parked or stored either within a public right of way or within that portion of a lot across the full width of the lot between the front lot line and front most part of the principle structure. (Enforcement Services Officer Steve Braukhoff)

Case was continued until April 23, 2014. William Kirkpatrick was present.

- C. DEL-14-076 Repeat of DEL-13-155**
Donna McDaniel Est % Chrstoher McDaniel Per Rep
2938 Clovis Dr., Deltona, Florida 32738
Property Address: 2938 Clovis Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-41-43-0070

Violation of City of Deltona Ordinance, Section 66-56, which prohibits all vehicles that are inoperable, wrecked, partially dismantled or otherwise mechanically incapable of being operated in their present condition, or are without a current state license tag if required, unless parked in a fully enclosed garage. (Enforcement Services Officer Julie Hughes)

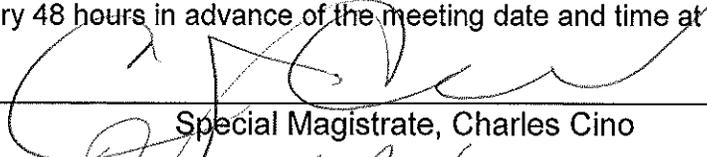
Tow Order was issued by the Special Magistrate effective March 27, 2014.

12. DISCUSSION:

- A. By the Special Magistrate**
- B. By the Enforcement Services Director**

13. ADJOURNMENT: 6:27PM

NOTE: If any person decides to appeal any decision made by the Code Enforcement Special Magistrate with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S.286.0105). Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.



Special Magistrate, Charles Cino



Hearing Clerk, Dana Johnson