

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
Wednesday, May 28, 2014**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, May 28, 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: Dennis Mues, Dave DeKruif, Lonnie Wilson, Tray Black, Julie Hughes, and Danny Ron,

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 April 23, 2014 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of the Building and Enforcement Services Department stated that under New Business, case(s) DEL-14-104 is continued until June 25, 2014 and case(s) DEL-14-111 and DEL-14-118 are/were withdrawn and under Other and Repeat Business, case(s) DEL-14-107 Repeat of Citation #C-2058 are/were withdrawn.

8. SWEARING IN OF OFFICERS AND WITNESSES:

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

9. OLD BUSINESS:

A. 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)

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

B. DEL-14-086

**Erik D. & Patricia McGowan
1532 Gold Terrace, Deltona, Florida 32725
Property Address: 1532 Gold Terrace, Deltona, Florida 32725
Parcel No.: 30-18-31-55-07-0010**

Violation of City of Deltona Ordinance, Section 38-113, which states that it shall be the responsibility of every owner, agent or tenant of improved property in the City to; at all times, maintain those Right-of-Ways most abutting their property. (Enforcement Services Officer Tray Black)

Order Imposing Penalty/Lien was issued for \$50.00 a day effective June 26, 2014 until in compliance or the cap of \$10,000.00 is reached. Case to be scheduled on the June 25, 2014 Code Hearing agenda.

C. DEL-14-088

**Cindy R. Fuentes
690 Lake Butler Ave., Osteen, Florida 32764
Property Address: 690 Lake Butler Ave., Osteen, Florida 32764
Parcel No.: 01-19-31-00-00-0120**

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 Julie Hughes)

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

D. DEL-14-089

Cindy R. Fuentes

690 Lake Butler Ave., Osteen, Florida 32764

Property Address: 690 Lake Butler Ave., Osteen, Florida 32764

Parcel No.: 01-19-31-00-00-0120

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)

First Amended Order of Non Compliance with a Hearing to Impose Fine at the June 25, 2014 Code Hearing. Cindy Fuentes was present.

E. DEL-14-090

Cindy R. Fuentes

690 Lake Butler Ave., Osteen, Florida 32764

Property Address: 690 Lake Butler Ave., Osteen, Florida 32764

Parcel No.: 01-19-31-00-00-0120

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 shed. (Enforcement Services Officer Julie Hughes)

First Amended Order of Non Compliance with a Hearing to Impose Fine at the June 25, 2014 Code Hearing. Cindy Fuentes was present.

F. DEL-14-096
Michael O & Lollie Knight
2058 Greenview Dr., Deltona, Florida 32725
Property Address: 2058 Greenview Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-08-45-0200

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 Danny Ron)

Order Imposing Penalty/Lien was issued for \$100.00 a day effective May 29, 2014 until in compliance or the cap of \$20,000.00 is reached.

10. NEW BUSINESS:

A. DEL-14-102
Yvette Groesbeck
2000 Galahad Dr., Deltona, Florida 32738
Property Address: 2000 Galahad Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-17-16-0030

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 Tray Black)

Order Imposing Penalty/Lien was issued for \$50.00 a day effective May 29, 2014 until in compliance or the cap of \$10,000.00 is reached.

B. DEL-14-104
Michael S. Chrostowski & Christopher W. Chrostowski
1281 Bakersfield Ave., Deltona, Florida 32725
Property Address: 1281 Bakersfield Ave., Deltona, Fl., 32725
Parcel No.: 30-18-31-07-48-0100

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. (6' wooden privacy fence). (Enforcement Services Officer Shanna Hogan)

Case was continued until the June 25, 2014 Code Hearing.

C. DEL-14-105

Lillian F. Bunkley & Phylliss L. Johnson
420 N. Fowler Dr. Apt. B., Deltona, Florida 32725-6314
Property Address: 420 N. Fowler Dr. Apt. B., Deltona, Fl. 32725
Parcel No.: 30-18-31-06-02-0120

Violation of City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 108.1.3 A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public. (Enforcement Services Officer Danny Ron)

Order Imposing Penalty/Lien was issued for \$100.00 a day effective May 29, 2014 until in compliance or the cap of \$20,000.00 is reached

D. DEL-14-108

Sean Danna & Mary Ann Rein
2057 E. Gloria Dr., Deltona, Florida 32725
Property Address: 2057 E. Gloria Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-04-28-0080

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. (Repair or replace damaged/missing garage door). (Enforcement Services Officer Danny Ron)

Order of Non Compliance with a Hearing to Impose Fine at the July 23, 2014 Code Hearing. Pedro Almodovar (tenant) was present.

E. DEL-14-110

Joy Stix Video Arcade

577 Deltona Blvd., St. 11, Deltona, Florida 32725

Property Address: 577 Deltona Blvd., St. 11, Deltona, Fl., 32725

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

Violation of City of Deltona Ordinance, Chapter 22, Section 22-4, which states no person shall engage in, manage, transact, or carry on any business, occupation or profession within the City for which there is a local business tax required by this article or any other provisions of this Code unless such person shall first procure a local business receipt ("receipt") to conduct the same from the City. It shall be no defense of nonpayment of any local business tax required by this article that the licensee did not receive any bill or notice that the same was due from the city. (Enforcement Services Officer Lonnie Wilson)

Case was continued until the June 25, 2014 Code Hearing.

F. DEL-14-111

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, Chapter 22, Section 22-4, which states no person shall engage in, manage, transact, or carry on any business, occupation or profession within the City for which there is a local business tax required by this article or any other provisions of this Code unless such person shall first procure a local business receipt ("receipt") to conduct the same from the City. It shall be no defense of nonpayment of any local business tax required by this article that the licensee did not receive any bill or notice that the same was due from the city. (Enforcement Services Officer Lonnie Wilson)

Withdrawn.

G. DEL-14-112

Rory L. & Sandra Litzinger

2681 Courtland Blvd., Deltona, Florida 32738

Property Address: 2681 Courtland Blvd., Deltona, Fl., 32738

Parcel No.: 12-18-31-01-08-0090

Violation of City of Deltona Ordinance, Section 66-18(h), "Restrictions on trucks and other vehicles" which states that a maximum of (2) vehicles may be parked in the side or rear yard. (Enforcement Services Officer Dave DeKruif)

Case was continued until the June 25, 2014 Code Hearing. Rory and Sandra Litzinger were present.

H. DEL-14-113

William W. & Lynn A. Constable

1881 Dublin Rd., Deltona, Florida 32738

Property Address: 1881 Dublin Rd., Deltona, Florida 32738

Parcel No.: 30-18-31-45-21-0100

Violation of City of Deltona Ordinance, Section 66-18(h), "Restrictions on trucks and other vehicles" which states that a maximum of (2) vehicles may be parked in the side or rear yard. (Enforcement Services Officer Tray Black)

Order of Non Compliance with a Hearing to Impose Fine at the July 23, 2014 Code Hearing. William Constable was present.

I. DEL-14-114

Francisco Muniz

1575 Cranbrook Ave., Deltona, Florida 32725

Property Address: 1575 Cranbrook Ave., Deltona, Fl., 32725

Parcel No.: 30-18-31-55-04-0010

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 plumbing. (Enforcement Services Officer Tray Black)

Order of Non Compliance with a Hearing to Impose Fine at the July 23, 2014 Code Hearing. Eve Romero (Property Manager) was present.

- J. DEL-14-115**
Dorrett & Donovan Mellish
285 Ave C 1D, New York, NY 10009
Property Address: 1980 Elkcam Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-15-20-0100

Violation of City of Deltona Ordinance, Section 66-16. Parking on parkways. For the purpose of this section, "right-of-way" is defined as that area from the property line to the edge of the pavement of a roadway, including any grassy or unpaved median between two paved areas. 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. (Enforcement Services Officer Tray Black)

Found to be in Non Compliance, executed actions to come into compliance and case was dismissed. Jennifer Conroy (tenant) was present.

- K. DEL-14-116**
Gregory & Christina Beasley
PO Box 416, Osteen, Florida 32764
Property Address: 1931 Stanton St., Deltona, Florida 32738
Parcel No.: 30-18-31-13-15-0010

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 Tray Black)

Order of Non Compliance with a Hearing to Impose Fine at the June 25, 2014 Code Hearing. Ordered the pool and fence be secured within 30 days.

- L. DEL-14-117**
Alice Susco Co-Trustee & Diego Alvarez Trust
1720 Timber Oaks Ct., Deland, Florida 32724
Property Address: 1110 Deltona Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-10-10-0320

Violation of City of Deltona Ordinance, Section 38-110 (1), which states that weeds, where the greater portion of weeds on the lot exceeds 12 inches in height, are declared to be a nuisance and must be abated in their entirety. (Enforcement Services Officer Dennis Mues)

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

M. DEL-14-118

Lumarc Investments LLC

1471 Edison Terr., Deltona, Florida 32725

Property Address: 922 Henderson St., Deltona, Florida 32725

Parcel No.: 30-18-31-30-16-0240

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 Shanna Hogan)

Withdrawn.

10. OTHER and REPEAT 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 – obtain permit and repair wall. (Enforcement Services Officer Dennis Mues)

First Amended Order Imposing Penalty/Lien was issued for \$250.00 a day effective June 26, 2014 until in compliance or the cap of \$20,000.00 is reached. Wayne Scott (Property Manager) and Jim Costello were present. Steve Roland (Building Official) gave testimony.

B. DEL-14-106 Repeat of DEL-13-142

Rocio & Clemencia Naranjo

2064 Apricot Dr., Deltona, Florida 32725

Property Address: 2064 Apricot Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-04-13-0370

Violation of City of Deltona Ordinance, Section 14-121(a) It shall be unlawful for the owner or custodian of any dog, cat or other animal to fail to keep the dog, cat or other animal from running at large within the city. (Enforcement Services Officer Danny Ron)

Found to be in Non Compliance, executed actions to come into compliance and case was dismissed with a one-time fine of \$85.00. Rocio Naranjo was present.

C. DEL-14-107 Repeat of Citation #C-2058

Thomas Aliscio

864 Arlene Dr., Deltona, Florida 32725-9352

Property Address: 864 Arlene Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-08-24-0210

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 Danny Ron)

Withdrawn.

D. DEL-07-192

Request for Reduction of Fine

Sergey Ginzburg

203 S. Clyde Avenue, Kissimmee, Florida 34741

Property Address: 1551 Ft. Smith Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-16-17-0010

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 Danny Ron)

The Special Magistrate gave no recommendation either way (for or against) on this case. Case to be placed on the June 16, 2014 Commission Meeting for the City Commissioners to hear the Request for the Reduction of Fine and make a ruling. Widalis Munoz, Esquire was present

E. DEL-07-193

Request for Reduction of Fine

Sergey Ginzburg

203 S. Clyde Avenue, Kissimmee, Florida 34741

Property Address: 1551 Ft. Smith Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-16-17-0010

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 Danny Ron)

The Special Magistrate gave no recommendation either way (for or against) on this case. Case to be placed on the June 16, 2014 Commission Meeting for the City Commissioners to hear the Request for the Reduction of Fine and make a ruling. Widalis Munoz, Esquire was present.

11. DISCUSSION:

A. By the Special Magistrate

B. By the Enforcement Services Director

12. ADJOURNMENT: 6:38PM

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