

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
Wednesday, October 26, 2011**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, October 26, 2011 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
Enforcement Services Director	Dale Baker	Present
Administrative Staff	Renee Richardson	Present

Also present were: Enforcement Services Officers; Richard Lovett, Shanna Hogan, Dave DeKruif, Lonnie Wilson, Julie Hughes, Danny Ron and Dennis Mues.

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 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 October 26, 2011 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of Enforcement Services, Dale Baker, states under, New Business, case DEL-11-139 is withdrawn.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-11-099

**Ralph J. Lucchese & Hipolito Davila
1911 Piper Terrace, Deltona, Florida 32738
Property Address: 1235 Myra Court, Deltona, Florida 32738
Parcel No.: 30-18-31-38-28-0130**

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 Dave DeKruif)

Granted 30 day extension, with intent to impose fine at the November 22, 2011 Code Hearing.

B. DEL-11-101

**Ralph J. Lucchese & Hipolito Davila
1911 Piper Terrace, Deltona, Florida 32738
Property Address: 1235 Myra Court, Deltona, Florida 32738
Parcel No.: 30-18-31-38-28-0130**

Violation of City of Deltona Ordinance, Section 38-114, which states that storage of building materials, commercial and industrial equipment, materials, objects or waste relating to commercial or industrial uses, or any equipment, materials, objects that are not incidental to a residential use, shall be prohibited. (Enforcement Services Officer Dave DeKruif)

Granted 30 day extension, with intent to impose fine at the November 22, 2011 Code Hearing.

C. DEL-11-113

**Carlos E. Rojas
42 Clement Ave., Bay Point, CA 94565
1077 Abadan Dr., Deltona, Florida 32725
Property Address: 1361 Azora Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-07-72-0260**

Violation of City of Deltona Ordinance, Section 18-5, which adopts 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 Dennis Mues)

Hearing to impose fine at the November 22, 2011 Code Hearing. A 30 day extension granted, have begun permit process.

D. DEL-11-120

Charles & Brandy Dunn

2769 Corrigan Dr., Deltona, Florida 32738

Property Address: 2769 Corrigan Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-32-59-0320

Violation of City of Deltona Ordinance, Section 18-5, which adopts 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 Richard Lovett)

Found to be in Non Compliance at time of violation. Now in compliance. Order of Compliance.

E. DEL-11-123

Margaret B. Gumbs

1495 Elkcam Blvd., Deltona, Florida 32725-3733

Property Address: 1495 Elkcam Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-09-32-0110

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

Found to be in Non Compliance at time of violation. Now in compliance. Order of Compliance.

F. DEL-11-125 (Repeat of A4485)

Margaret B. Gumbs

1495 Elkcam Blvd., Deltona, Florida 32725-3733

Property Address: 1495 Elkcam Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-09-32-0110

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)

First Amended Order of Non Compliance, Hearing to impose fine at the November 22, 2011 Code Hearing. A 30 day extension granted.

G. DEL-11-126

**Robert Craig Church and Nancy Church JTRS
2066 Dalton Ave., Deltona, Florida 32725
Property Address: 2066 Dalton Ave., Deltona, Florida 32725
Parcel No.: 17-18-31-01-02-0200**

Violation of City of Deltona Ordinance, Section 18-5, which adopts 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 kept in good repair. (Enforcement Services Officer Shanna Hogan)

Mr. Craig Church was present. **Found to be in Non Compliance** at time of violation. Now in compliance. Order of Compliance.

H. DEL-11-127

**Timothy P. Frew
1299 North Old Mill Rd., Deltona, Florida 32725
Property Address: 1299 North Old Mill Rd., Deltona, Florida 32725
Parcel No.: 30-18-31-26-08-0090**

Violation of City of Deltona Ordinance, Section 66-19(a)1, which states that recreational vehicles shall have a current license plate or validation sticker affixed. (Enforcement Services Officer Shanna Hogan)

Mr. Frew was present. Continue case to next hearing – with intent to impose fine at the November 22, 2011.

I. DEL-11-128

**Timothy P. Frew
1299 North Old Mill Rd., Deltona, Florida 32725
Property Address: 1299 North Old Mill Rd., Deltona, Florida 32725
Parcel No.: 30-18-31-26-08-0090**

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

Mr. Frew was present. Continue case to next hearing – with intent to impose fine at the November 22, 2011.

J. DEL-11-129

**Timothy P. Frew
1299 North Old Mill Rd., Deltona, Florida 32725
Property Address: 1299 North Old Mill Rd., Deltona, Florida 32725
Parcel No.: 30-18-31-26-08-0090**

Violation of City of Deltona Ordinance, Section 38-114, which states that storage of building materials, commercial and industrial equipment materials, objects or waste relating to commercial or industrial uses, or any equipment, materials or objects that are not incidental to a residential use, shall be prohibited. (Enforcement Services Officer Shanna Hogan)

Mr. Frew was present. Continue case to next hearing – with intent to impose fine at the November 22, 2011. First Amended Order of Non Compliance.

9. New Business:

A. DEL-11-134

Adrian M. Ramirez

838 Merrimac St., Deltona, Florida 32725

Property Address: 838 Merrimac St., Deltona, Florida 32725

Parcel No.: 30-18-31-30-05-0180

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)

Mr. Ramirez was present and found to be in Non Compliance. Granted a 30 day extension – with intent to impose fine and a tow order at the November 22, 2011 hearing. Officer Danny Ron was the interpreter for Mr. Ramirez.

B. DEL-11-136

Ricardo Moret EST

1081 North Normandy Blvd., Deltona, Florida 32725

Property Address: 1801 North Normandy Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-03-43-0140

Violation of City of Deltona Ordinance, Section 18-5, which adopts 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 Lonnie Wilson)

Order of Non Compliance.

C. DEL-11-137

Armando Crespo

601 Vicksburg St., Deltona, Florida 32725

Property Address: 601 Vicksburg St., Deltona, Florida 32725

Parcel No.: 30-18-31-04-38-0220

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 302.2, grading and drainage. 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 Lonnie Wilson)

Mr. Armando Crespo & Mr. Crespo (brothers) were present. Order of Non Compliance, Hearing to impose fine possible at the January 25, 2012 Code Hearing.

D. DEL-11-138

Ivette Cruz Huckabay

1472 Galena Terrace, Deltona, Florida 32725

Property Address: 1472 Galena Terrace, Deltona, Florida 32725

Parcel No.: 30-18-31-26-08-0260

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 302.2, grading and drainage. 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 Lonnie Wilson)

Order of Non Compliance, hearing to impose fine at the November 22, 2011 Code Hearing.

E. DEL-11-139

Ivette Cruz Huckabay

1472 Galena Terrace, Deltona, Florida 32725

Property Address: 1472 Galena Terrace, Deltona, Florida 32725

Parcel No.: 30-18-31-26-08-0260

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 Lonnie Wilson)

Withdrawn

F. DEL-11-141

Rosalind Shiver

735 Osteen Cemetary Rd., Deltona, Florida 32738

Property Address: 735 Osteen Cemetary Rd., Deltona, Florida 32738

Parcel No.: 31-18-32-00-00-0098

Violation of City of Deltona Ordinance, Section 4-2, which states that it is unlawful for a person to permit animals to become a public nuisance. An animal shall be declared a public nuisance animal if such animal (1) is repeatedly found at large. (Enforcement Services Officer Richard Lovett)

Continue case to January 25, 2012, Code Hearing. Ms. Shiver was present at the Hearing.

- G. DEL-11-142**
Robert F. Groesbeck II
901 Village Dr., Deltona, Florida 32725
Property Address: 901 Village Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-11-27-0030

Violation of City of Deltona Ordinance, No. 11-2007, Chapter 22, which states that the owner of record of each dwelling unit or rooming house in which a residential quarters are rented or offered for rent to persons other than the owner or the owner's immediate family, shall make application to the City of Deltona for a local business tax license and provide a local point of contact person for each dwelling unit. (Enforcement Services Officer Julie Hughes)

Fine of \$250.00 effective immediately. Cost/Fine by Ordinance of not having business tax license for a rental property.

- H. DEL-11-143**
Joe L. Woodard
2876 North Juliet Dr., Deltona, Florida 32738-2004
Property Address: 2876 North Juliet Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-32-59-0190

Violation of City of Deltona Ordinance, Section 66-19(3), which states that recreational vehicles/boats/trailers 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 Richard Lovett)

Order of Non Compliance, with intent to impose fine and a tow order at the November 22, 2011 hearing.

- I. DEL-11-144**
Michael A. Mirino
2617 East Juliet Dr., Deltona, Florida 32738
Property Address: 2617 East Juliet Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-32-56-0030

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 Richard Lovett)

Found to be in Non Compliance at time of violation. Now in compliance. Order of dismissal.

- J. **DEL-11-145**
Edward Parker
2762 Beckwith St., Deltona, Florida 32738
Property Address: 2762 Beckwith St., Deltona, Florida 32738
Parcel No.: 30-18-31-34-36-0040

Violation of City of Deltona Ordinance, Section 18-3, which adopts 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 for your shed. (Enforcement Services Officer Danny Ron)

Order of Non Compliance.

- K. **DEL-11-147**
Robert P. Meagher TR/ Robert Meagher Living Trust
1942 Evard Ave., Deltona, Florida 32725
Property Address: 1942 Evard Ave., Deltona Florida 32725
Parcel No.: 30-18-31-15-19-0110

Violation of City of Deltona Ordinance, Section 14-3 (5), which states that it is unlawful to keep, maintain or raise in the City, animals that have been declared "public nuisance animals" more than once. (Enforcement Services Officer Shanna Hogan)

Found in violation of Nuisance, Prohibited animal – Order to remove animals (large brown and black, mixed breed type dog and cat) from residence.

10. **OTHER BUSINESS:**

- A. DEL-11-130 Repeat of DEL-11-098**
Robert P. Meagher TR/ Robert Meagher Living Trust
1942 Evard Ave., Deltona, Florida 32725
Property Address: 1942 Evard Ave., Deltona Florida 32725
Parcel No.: 30-18-31-15-19-0110

Violation of City of Deltona Ordinance, Section 4-2, nuisance animal. It is unlawful for a person to permit animals to become a public nuisance. An animal shall be declared a public nuisance animal if such animal: (1) Is repeatedly found at large. (Enforcement Services Officer Shanna Hogan)

Found in violation (twice) – Order to remove animals from residence.

- B. DEL-11-135 Repeat of DEL-10-041**
Adrian M. Ramirez
838 Merrimac St., Deltona, Florida 32725
Property Address: 838 Merrimac St., Deltona Florida 32725
Parcel No.: 30-18-31-30-05-0180

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

Mr. Ramirez was present. Granted a 30 day extension – with intent to impose fine and a tow order at the November 22, 2011 Code Hearing.

- C. DEL-09-090**
Jacqueline Allen & Tiffany Vega
(Wells Fargo Bank, NA)
657 Leland Dr., Deltona, Florida 32725
Property Address: 657 Leland Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-20-01-0060

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

Mr. Jay Wright of CWIS, LLC, property inspections and consulting, has furnished the proper documentation to come before the Special Magistrate asking for a recommendation for a reduction of the fine (\$5,216.24), for the property located at 657 Leland Dr, Deltona, Florida. This property violation has come into compliance; however the fine was never satisfied. He is representing HUD in this request. Original paperwork (request for a Hearing) was supplied to him on September 08, 2011 and returned to this Office, on September 30, 2011. Mr. Robert Mayberry represented the Bank at this Hearing.

Recommend to Commission the fine be reduced to \$500.00 – at the November 21, 2011 City Commission meeting. Payable to City of Deltona 30 days after ruling.

11. DISCUSSION:

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

12. ADJOURNMENT (6:30pm)

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 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, at least three (3) working days in advance of the meeting date and time at (386) 878-8100.

Special Magistrate, Charles Cino

Hearing Clerk, Sonjia Kihlmire