

Code Enforcement Hearing
Minutes
July 03, 2019

Present: D. John Morgeson Jr., Special Magistrate
Officer Brian Pilarski
Officer Carrie Long
Debra S. Babb-Nutcher, City Attorney
Gloria J. Thomas, 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 asked that anyone who wished to testify to stand and be sworn in by the Clerk. The Clerk administered the oath.

3. Additions, Deletions, Modifications

Cases, A, B, C, D, E, F, H, I, J, K, M, N were removed from the agenda.

4. Cases

G. Case # 9-18-8238
Non-Compliance Owner Information: Secured Trustee Services LLC TR
Owner Information: Sanju Taneja
Loc. Address: 628 Dixson Street
RE: Non Compliance of Finding of Fact

Code Enforcement Officer Brian Pilarski presented his case: Officer Pilarski stated that the mentioned property has been found in violation of Orange City Code of Ordinance: 8.7.11© [Motor vehicle parking in front yard], 8.7.2(E) [Access control] and Non Compliance of Finding of Fact.

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinances as cited and order that a fine lien of \$9,750.00 with a daily accrual until full compliance is met. Compliance can be met by ceasing any access to the property via means other than approved accesses, and cease parking within front of side yard areas.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the respondent is in violation of the codes cited and ordered that an administrative fine be imposed for 63 days of non-compliance. The dates beginning May 2, 2019, through and including July 3, 2019 for a total amount currently owing on \$9,450.00 against Respondent, Sanju R. Taneja, which fine will continue to accrue until compliance is met.

Mr. Morgeson added that 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.

- L. Case # 05-19-08540
New Case
Owner Information: RSN Investment Group LLC- Citgo
Loc. Address: 515 S Volusia Avenue
RE: Delinquent Occupational Tax

Code Enforcement Officer Long presented her case: Officer Long stated that the mentioned property has been found in violation of Delinquent Occupational Tax. She noted that the property has a fuel station named Citgo conducting business. This business is in violation of Orange City Code of Ordinance 8-8 (Delinquent occupational tax).

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinances as cited and order that compliance be met by July 17, 2019. Compliance can be met by contacting the Orange City Clerk's office at 229 E. Graves Ave. and paying the delinquent tax in the amount of \$144.74.

The Magistrate closed the public hearing. Mr. Morgeson noted that the property owner listed was Tampa Acquisitions Inc. He questioned whether the City should pursue an action solely against the occupant or include the property owner.

Officer Long stated that it is her understanding that the City cannot fine the property owners against the tenant's violation.

Ms. Babb-Nutcher requested to have this item pulled and re-noticed at a later date.

Mr. Morgeson ordered that this item will be continued for revision and party addition.

- O. Case # 1-19-8409
New Case
Owner Information: Stephen Peneguy
Loc. Address: 405 E University Avenue
RE: 9-10 Roof maintenance

Code Enforcement Officer Carrie Long presented her case: Officer Long stated that the mentioned vacant property has been found in violation of Orange City Code of Ordinances 9-10 (Roof maintenance).

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinances as cited and order that compliance be met by August 7, 2019 or

a fine of \$150 a day accrue until compliance is met. Compliance can be met by obtaining required permitting and a satisfactory final inspection for needed roof maintenance.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the respondent is in violation of the codes cited. He ordered that the respondent correct the violation by taking the remedial action as set forth in the notice of violation. If Respondent fails to timely correct the violations by August 15, 2019 a fine of \$150 will accrue for each day that the violation exist after August 15, 2019. Respondent is further ordered to contact compliance with this order as may be necessary hereafter.

Adjournment

There being no further cases to discuss, the hearing was adjourned at 2:30 p.m.