

Code Enforcement Hearing
Minutes
June 03, 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, stand and be sworn in by the Clerk. The Clerk administered the oath.

3. Additions, Deletions, Modifications

4. Cases

- A. Case # 9-18-8240
Lien Reduction Request
Owner Information: Ora Fuel LLC
Loc. Address: 885 S Volusia Avenue
RE: Lien Reduction Request

Code Enforcement Officer Long presented her case: Ms. Long stated that the above address violated City Ordinance 5-2 Work without a permit, all violations were brought into compliance on October 22, 2019 (76 days after the lien was granted). The total lien amount to date equals \$34,650.

Recommendation: Staff recommends that the Magistrate grant a lien reduction, reducing the lien amount to \$500 to be paid to the City within 30 days or the amount of lien will default to the original amount.

Chris Coleman, 885 S. Volusia Ave., came forward to present a proposal to pay the reduced amount of \$500 within 30 days of this hearing.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the existing liens be reduced to one payment of \$500 to be paid on or before July 06, 2020. Failure to pay the amount will revert the lien to the original amount.

B. Case # 10-19-08718

New Case

Owner Information: Malagon Ramirez

Loc. Address: 239 S Volusia Avenue

RE: 5-2 Remodel without permit, 8-9 Business without Tax Receipt

Code Enforcement Officer Long presented her case: Ms. Long stated that the above address is a commercial property with a conditional use to allow living quarters. This property has been found in violation of Chapter 8, Sec. 8-9. – Penalty for doing business without business tax receipt, 5-2 complete remodel without permits.

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinance, as cited, with compliance by August 1, 2020 or a fine of \$150 a day fine will accrue until compliance is met. Compliance can be met by obtaining a business tax receipt and by obtaining the required permits for complete remodel without.

Kimberly Reading, Senior Planner, provided a brief history of the property owners and the City.

The Magistrate closed the public hearing. Mr. Morgeson found that the respondent is in violation of the City codes as cited. He ordered that the respondent shall take the corrective action as specified in the Notice of Violation. Specifically, Respondent shall correct violation of 5-2 Florida Building Code (Failure to Obtain a Permit) on or before August 01, 2020. Respondent shall correct Violation 9-8 (Exterior Property & Premises) on or before August 01, 2020. If Respondent fails to timely correct the violations as specified herein, a fine of \$150 will accrue for each day that any of these violations exist after such date. The Respondent is further ordered to contact Code Enforcement to verify compliance with the order as may be necessary hereafter.

C. Case # 10-18-8291

Lien Foreclosure Request

Owner Information; Tiger OC LLC

Loc. Address: 2590 S Volusia Avenue

RE: Lien Foreclosure Request

Code Enforcement Officer Long presented her case: Ms. Long stated that the lien was granted on August 7, 2019 and is still non-compliant. The property has been found in non-compliance for 301 days at \$150.00 a day and still accruing.

Recommendation: Staff recommends the Magistrate find the property owner in non-compliance and order a lien foreclosure.

The Magistrate closed the public hearing. Mr. Morgeson found that after due notice to the Respondent, and respondent not being present and the Special magistrate having been advised under oath by Officer Carrie Long on behalf of Petitioner, that the administrative fine created in this matter by the recording of the special magistrates order imposing administrative fine/lien dated August 8, 2019 has remained unsatisfied for an excess of three months, it is therefore hereby

ordered that he petitioner is authorized to proceed with the foreclosure or enforcement of the lien as it deems appropriate.

- D. Case #04-19-08529
Lien Foreclosure Request
Owner Information; Environmental Holdings Florida LLC
Loc. Address: O N Volusia Avenue
RE: Lien Foreclosure Request

Code Enforcement Officer Long presented her case: Ms. Long stated that the lien was granted on November 06, 2019 in the amount of \$19,250. The property has been in non-compliance for 210 days with a grand total of \$52, 500.

Recommendation: Staff recommends the Magistrate find the property in non-compliance and grant a lien foreclosure.

The Magistrate closed the public hearing. Mr. Morgeson found that after due notice to the Respondent, and Respondent not being present, and the Special Magistrate having been advised under oath by Officer Carrie Long on behalf of Petitioner, that the Administrative Fine created in this matter by the recording of the Special Magistrates Order Imposing Administrative Fine/lien date November 07, 2019, has remained unsatisfied for an excess of three months, it is therefore hereby ordered that the petitioner authorized to proceed with the foreclosure or enforcement of the lien as it deems appropriate.

- G. Case # 03-20-08784
New Case
Owner Information: Nancy Church
Loc. Address: 105 W Elm Drive
RE: 4-26 Livestock Grazing animals and poultry, 9-31 Abandoned Junk Vehicles, 9-8 (302.1) Exterior Property, 9-8 (302.4) Grass/ Weeds

Code Enforcement Officer Long presented her case: Ms. Long stated that said parcel is a residential property. This property has been found in violation of Orange City Code of Ordinances Chapter 4, Sec. 4-26 Livestock, grazing animals and poultry; Chapter 9, Sec. 9-31 (b) Abandoned and junked vehicles., Chapter 9 Property Maintenance, Sec. 9-8 (302.1) Exterior property and premises maintenance, Chapter 9 Sec. 9-8 (302.4) grass/weeds above allotted 12 inches.

Recommendation: Staff recommends the Magistrate find the property owners in violation of the said Code of Ordinances with compliance by July 3, 2020 or a fine of \$250 a day fine will accrue till compliance is met. Compliance can be met by removing livestock and conducting maintenance on property.

Samantha McGlashing, 105 W. Elm Dr., came forward to request a two week time frame to come into compliance.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the respondent is in violation of the code section as cited, and found that the respondent is in violation of the city codes as cited. The respondent was ordered and to correct the violation by July 03, 2020. He noted that a fine of \$250.00 will accrue for each day that any such violation exists after said date. The Respondent is

further ordered to contact Code Enforcement to verify compliance with this order as may be necessary hereafter.

- I. Case # 03-20-08781
New Case
Jason Wood
Loc. Address: 974 N Orange Avenue
RE: 8-9 Business without Tax Receipt

Code Enforcement Officer Long presented her case: Ms. Long stated that the said address above is a residential property. This property has been found in violation of Orange City Code of Ordinances 8-9 business without a business tax receipt.

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinances 8-9 with compliance by June 16, 2020 or a fine of \$150 a day will accrue till compliance is met. Compliance can be met by obtaining a business tax receipt or cease conducting business at the residence.

Jason Wood, 974 N. Orange Ave., came forward to state that an application for a fictitious name has been submitted to Sunbiz.org.

Shannon Wood, 974 N. Orange Ave., came forward to state that due to COVID-19 she was unable to leave her home to submit a Business Tax Receipt application.

Elise Snedeker, 973 N. Orange Ave., came forward to state that the traffic caused by the business are very disruptive to the neighborhood.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the respondent is in violation of the code section as cited, and found that the respondent is in violation of the city codes as cited. The respondent was ordered and to correct the violation by July 03, 2020. He noted that a fine of \$150.00 will accrue for each day that any such violation exists after said date. The Respondent is further ordered to contact Code Enforcement to verify compliance with this order as may be necessary hereafter.

- J. Case # 12-19-08758
New Case
Advanta IRA Services LLC FBO Kenneth Osborne IRA
Loc. Address: 335 May Street
RE: 5-2 Remodel without permits, 5-3 Stop Work Order

Code Enforcement Officer Long presented her case: Ms. Long stated that the above address is a residential property. This property has been found in violation of Orange City Code of Ordinance 5-2 work without permits.

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinances 8-9, with compliance by August 1, 2020 or a fine of \$150 a day fine will accrue till compliance is met. Compliance can be met by obtaining required permits for HVAC and remodel work without.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the respondent is in violation of the code section as cited, and found that the respondent is in violation of the city codes as cited. The respondent was ordered and to correct the violation by August 1, 2020. He noted that a fine of \$150.00 will accrue for each day that any such violation exists after said date. The Respondent is further ordered to contact Code Enforcement to verify compliance with this order as may be necessary hereafter.

K. Case # 5-17-7418
New Case
Mary Pruett
Loc. Address: 580 Lakeview Avenue
RE: Lien reduction Request
Code Enforcement Officer Long presented her case:

Code Enforcement Officer Long presented her case: Ms. Long stated that the previous property owner was Mary Pruett. She stated that Frank Romero is the present owner and has brought the property into compliance. Mr. Romero has requested a lien reduction. Ms. Long reported that the total lien amount to date is \$161,250 and 582 days in non-compliance. This being no fault of Mr. Romero.

Recommendation: Staff recommends the Magistrate grant the lien reduction to \$100.00 to be paid in 30 days.

Frank Romero, 3808 Albert Dr. Orlando, came forward in agreement with the City's recommendations.

The Magistrate closed the public hearing. Mr. Morgeson ordered that the respondent's formal request for a reduction of a lien, which lien arose from a previous order of the special magistrate dated August 8, 2019. Frank Romero, Jr., appeared on behalf of the Respondent, and Officer Carrie Long appeared on behalf of the Petitioner. Based upon the testimony and evidence presented, and having otherwise considered the various factors contained in Orange City Code Section 2-137, it is hereby ordered that the lien be reduced to \$100.00 which payment in part includes any and all recording fees. Failure to pay the total reduced amount as specified herein, on or before July 3, 2020 will result in the current lien reverting to its original amount.

Adjournment

There being no further cases to discuss, the hearing was adjourned at 2:29 p.m.