

**Code Enforcement Hearing
Minutes
April 07, 2021**

Present: D. John Morgeson Jr., Special Magistrate
Officer Carrie Long
Melani Beringer, City Clerk

Telephonically Present: Debra Babb-Knutcher, City Attorney

1. Call to Order/Rules of Procedure

Special Magistrate D. John Morgeson Jr. called the Code Enforcement Hearing to order at 2:00 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, to stand and be sworn in by the City Clerk. The City Clerk administered the oath.

3. Additions, Deletions, Modifications

4. Cases

- A. Case # 02-21-08991
New Case
Owner Information: June Kirk
Loc. Address: 150 W French Avenue
RE: 8.7.11(B)(5) RV as a residence, 8.7.11(C) Parking in the front yard

Carrie Long, Code Enforcement officer, stated that Parcel # 8011-08-19-0120 address of 150 W. French Avenue is a residential property. This property has been found in violation of Orange City Code of Ordinances 8.7.11 RV as a residence, 8.7.11(C) Parking in front yard.

Kimberly Bair, 150 W. French Ave., the respondent's daughter, came forward to state that there is only occasional parking in the front yard by visitors. She informed Mr. Morgeson that her son-in-law needed a place to reside due to the pandemic, which is why he is utilizing the RV as a residence.

Guerric Quetier, 150 W. French Ave., the respondent's son in law, came forward to state that he lost employment due to the pandemic and has taken temporary residence in the RV located on the property.

June Kirk, 5A Lilac Ct., Property owner, came forward to state that she provided permission for Mr. Quetier to live on the property in the RV due to his financial hardship.

Ms. Bair requested three months to comply.

Mr. Morgeson opened the public hearing.

Charles Brown, 5 Andrea Dr., owners of the property next door, came forward to state that the RV has been used as a residence for 18 months. He reported that there are multiple people coming and going from the RV.

Judith Brown, 5 Andrea Dr., owner of the property next door, came forward to express her concerns with disposal of raw sewage in the yard from the RV. She stated that there are multiple people coming and going from the RV and that the property is not being maintained around the perimeter of the RV.

Mr. Morgeson closed the public hearing.

Staff's Recommendation: Ms. Long stated that staff recommends the Magistrate find the property owner(s) in violation of the Orange City Code of Ordinance 8.7.11(B) (5) and 8.7.11(C), with compliance by May 7th, 2021 or a fine of \$250 a day will accrue until compliance is met. Compliance can be met by removing people living in RV, unhook from electric and refraining from parking in the front yard.

Mr. Morgeson ordered that based upon the foregoing Findings of Fact and Conclusion of Law, it is hereby ORDERED that Respondent, June Kirk, shall correct the violations by taking the remedial action as set forth in the notice of violation. If Respondent fails to timely correct the violations on or before May 15, 2021, a fine of TWO HUNDRED-FIFTY DOLLARS (\$250) will accrue for each day that any such violation exists after such date. Respondent is further ordered to Contact Officer Carrie Long, Orange City Code Enforcement Officer, at (386) 775-5426, to verify compliance with this Order as may be necessary hereafter.

It is further ordered that the use of the RV for residential purposes, found here to be in violation of Orange City Code Section 8.7.11(B)(5), presents a serious threat to the public health, safety and welfare and it is ordered that, by copy of this Order, Orange City be notified of said condition pursuant to Sections 162.06(4) and 162.09(1), Florida Statutes.

B. Case # 11-20-08970
New Case
Owner Information: Douglas Parker Jr.
Loc. Address: 1084 N Carpenter Avenue
RE: 5-2 Structure w/o permit

Carrie Long, Code Enforcement officer, stated that Parcel # 8003-00-00-0860 address of 1084 N Carpenter Avenue is a residential property. This property has been found in violation of Orange City Code of Ordinances 5-2 Permit required for structure (fence) erected on property without.

Douglas Parker Jr., 1084 N. Carpenter Ave., came forward to state that he erected a fence due to finding drug paraphernalia being disposed of in his yard. He stated that he is willing to remove the fencing.

Mr. Morgeson opened the public hearing. Seeing none, Mr. Morgeson closed the public hearing.

Staff's Recommendation: Ms. Long stated that staff recommends the Magistrate find the property owner(s) in violation of the Orange City Code of Ordinance 5-2, with compliance by May 7th, 2021 or a fine of \$250 a day will accrue until compliance is met. Compliance can be met by removing or obtaining required permitting with satisfactory routine inspections until a final is obtained.

Mr. Morgeson ordered that based upon the foregoing Findings of Fact and Conclusion of Law, it is hereby ORDERED that Respondent, Douglas Parker, JR., shall correct the violation by taking the remedial action as set forth in the notice of violation. If Respondent fails to timely correct the violation on or before May 7, 2021, a fine of ONE HUNDRED DOLLARS (\$100) will accrue for each day that the violation exists after such date. Respondent is further ordered to contact Office Carrie Long, Orange City Code Enforcement Officer, at (386) 775-5426, to verify compliance with this Order as may be necessary hereafter.

Adjournment

There being no further cases to discuss, the hearing was adjourned at 2:53 p.m.