

SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MAY 11, 2022

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:00 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Scott Allman, Code Compliance Inspector
Dennis Boehmer, Code Compliance Inspector
Amanda Bonin, Code Compliance Manager
Shelby Field, Assistant City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller dispensed with an overview of the code enforcement process as there were no members of the public present.

Consideration of Minutes

Special Magistrate Fuller approved the April 22, 2022 and April 27, 2022 meeting minutes as presented.

Oaths

Code Compliance Inspectors Scott Allman and Dennis Boehmer were sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 22-0278

Respondent: Matthew Brandt
Courtne Nicholls

Address of Violation: 5478 Rogers Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 3/24/2022

Compliance: Yes

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

Dennis Boehmer, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

4. **CEB Case No.:** 22-13

Respondent: Susan Lovell

Address of Violation: 717 Tarry Town Trail, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 1/4/2022

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances.

Mr. Boehmer requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

5. **CEB Case No.:** 22-178

Respondent: Gold Diesel International LLC

Address of Violation: 6141 Half Moon Drive, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 2/24/2022

Compliance: Yes

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages.

Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances.

Mr. Boehmer requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

6. CEB Case No.: 22-0360

Respondent: Darrell Blake

Sharon Blake

Address of Violation: 1157 Millbrook Avenue, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 4/5/2022

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Mr. Boehmer testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The repeat violation was to be corrected immediately by mowing the property of all high weeds and grass and blowing all yard debris from the road back onto the property.

Mr. Boehmer recommended the property owners be found in repeat violation of the above referenced codes with the violations to be corrected immediately by mowing the property of all high weeds and grass and blowing all yard debris from the road back onto the property. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, the City of Port Orange shall have the option to abate the violation as this is a health and safety concern. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Boehmer requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$44.72 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. The property owner is to immediately mow the property of all high weeds and grass and blow all yard debris from the road back onto the property or the City shall have the option to abate the violation. Costs in the amount of \$44.72 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

7. CEB Case No.: 21-1202

Respondent: Sally Powell Estate

Address of Violation: 1205 Sparton Avenue, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 6/30/2021

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested an Order Setting Fine/Lien as the property was not in compliance January 31, 2022 as ordered in the previous hearing on January 12, 2022 by the Special Magistrate. He requested a daily fine in the amount of \$50.00 per day beginning February 1, 2022 and running through and including April 19, 2022 for a total of 78 days and a total fine of \$3,900.00 as ordered in the Finding of Fact, Conclusion of Law & Order. The City retained vendor Mark Solomon Properties, who abated the violation(s) at the cost of \$1,293.75. A cost sheet for mailing and recording costs in the amount of \$98.58 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a daily fine in the amount of \$50.00 per day beginning February 1, 2022 and running through and including April 19, 2022 for a total of \$3,900.00, abatement costs of \$1,293.75 and mailing and recording costs to date of \$98.58. A lien is imposed on the subject property in the amount of \$5,292.33.

D. ADJOURNMENT – 9:13 a.m.


Special Magistrate Fuller