

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
AUGUST 10, 2022

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

PRESENT: DAVID FULLER, SPECIAL MAGISTRATE

ALSO PRESENT: Summer Jameson, Code Enforcement Officer
Scott Allman, Code Enforcement Officer
Robert Kuhn, Code Enforcement Officer
Bailey Hornbuckle, Code Enforcement Officer
Robin Fenwick, City Clerk
Tracee Code, City Clerk's Office

Oaths

Summer Jameson, Scott Allman, & Robert Kuhn, Code Enforcement Officers were sworn in by Special Magistrate Fuller.

CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller provided an overview of the code enforcement process as there were members of the public present.

2. Consideration of Minutes - July 27, 2022

Special Magistrate Fuller approved the July 27, 2022 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 22-0727

Respondent: Amy Lynn Donnelly
Frank J. Kovacs

Address of Violation: 730 Barlow Circle, Port Orange, FL 32127

Code Officer: Robert Kuhn

First Notified: 6/8/2022

Compliance: No

Cited for violation(s) - 2020 Florida Building Code, 7th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 8, Article I of the

City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit.

Robert Kuhn, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and 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 violation was to be corrected by July 28, 2022 by obtaining a building permit for the installation of the shed to include payment for the permit and all associated fees, or removing the shed completely.

Gregory Krawchuk, neighbor/complainant, was sworn in by Special Magistrate Fuller and testified as to the condition of the property and issues with the neighbor.

Mr. Kuhn recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by August 31, 2022 by obtaining a building permit for the installation of the shed to include payment for the permit and all associated fees or removing the shed completely. 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, a daily fine in the amount of \$100.00 per day shall be imposed. 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. Kuhn requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$61.75 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until August 31, 2022 to obtain a building permit for the installation of the shed to include payment for the permit and all associated fees or remove the shed completely or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$61.75 were awarded to the City.

4. CEB Case No.: 22-0671

Respondent: Larry Howell
Carla Howell

Address of Violation: 5221 Frederick Avenue, Port Orange, FL 32127

Code Officer: Robert Kuhn

First Notified: 6/2/2022

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 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.

Code Enforcement Officer Robert Kuhn requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

5. CEB Case No.: 22-0719

Respondent: Betty Jane Buelow

Address of Violation: 5437 Isabelle Avenue, Port Orange, FL 32127

Code Officer: Robert Kuhn

First Notified: 6/9/2022

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.

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.

Mr. Kuhn 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 violation was to be corrected immediately by mowing the entire property to include removal of all undergrowth, weed eating, and blowing yard debris back onto the property.

Mr. Kuhn recommended the property owners be found in violation of the above referenced codes with the violations to be corrected immediately by mowing the entire property to include removal of all undergrowth, weed eating, and blowing yard debris 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 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. Kuhn requested any future violations under this ordinance be considered repeat, and that the property be deemed a health and safety concern for the surrounding neighbors in that it is an attractive nuisance for small children, rodents, and other pests. The cost sheet in the amount of \$45.50 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 shall immediately correct the violations by mowing the entire property to include removal of all undergrowth, weed eating, and blowing yard debris back onto the property or the City shall have the option to abate the violations. Costs in the amount of \$45.50 were awarded to the City.

6. CEB Case No.: 22-887

Respondent: Geneva M. Wynter

Address of Violation: 717 Brom Bones Ct., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 7/6/2022

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.

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.

Scott Allman, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, previous violations, 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 violation was to be corrected immediately by mowing the entire property, trimming all high weeds and by blowing all debris back on to the property.

James Kenney, neighbor, was sworn in by Special Magistrate Fuller and testified as to the condition of the property and the length of time it has been in violation. There has been no electricity for approximately two years.

Mr. Allman answered questions of Special Magistrate Fuller regarding heirs for Ms.

Wynter. He has worked with a neice who is working through probate court.

Mr. Allman recommended the property owners be found in violation of the above referenced codes with the violations to be corrected immediately by mowing the entire property, trimming all high weeds and by blowing all debris back on to 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 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. Allman requested any future violations under this ordinance be considered repeat, and that the property be deemed a health and safety concern for the surrounding neighbors in that it is an attractive nuisance for small children, rodents, and other pests. The cost sheet in the amount of \$45.50 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 must immediately correct the violation by mowing the entire property, trimming all high weeds and by blowing all debris back on to the property or the City shall have the option to abate the violation as this is a health and safety concern. Costs in the amount of \$45.50 were awarded to the City.

7. CEB Case No.: 22-799

Respondent: Gwendolyn M. Johnson

Address of Violation: 12 Black Jack Circle, Port Orange, FL 32128

Code Officer: Summer Jameson

First Notified: 6/22/2022

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.

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.

Summer Jameson, Code Enforcement Officer, 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.

ORDER IMPOSING FINE/LIEN

8. **CEB Case No.:** 22-0489

Respondent: Geraldine Jones Life Estate

Address of Violation: 1237 Edna Drive, Port Orange, FL 32129

Code Officer: Robert Kuhn

First Notified: 4/25/2022

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.

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 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.

Mr. Kuhn requested a continuation of the case until August 24, 2022. Special Magistrate Fuller granted the continuation request.

ADJOURNMENT – 9:40 a.m.


Special Magistrate David Fuller