CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JUNE 28, 2023

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:	Bailey Hornbuckle, Code Enforcement Officer Tracee Cody, Deputy City Clerk

Oaths

Code Enforcement Officer Bailey Hornbuckle was sworn in by Special Magistrate Fuller.

CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process

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

2. Consideration of Minutes - June 14, 2023

Special Magistrate Fuller approved the June 14, 2023 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 23-0531
   Respondent: 2017-2 IH Borrower LP, Property Owner
   2017-2 IH Borrower LP, Property Owner, c/o: Corporation Service Company
   Address of Violation: 3855 Sunset Cove Drive, Port Orange, FL 32129
   Code Officer: Bailey Hornbuckle
   First Notified: 5/10/2023

   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, (h) Abutting property owner maintenance of parkages.

Chapter 56 (Solid Waste), Article II (Collection and Disposal Service), Section 56-34 (Location of Containers) of the City of Port Orange Code of Ordinances.

Ms. Hornbuckle 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 June 8, 2023 by mowing the entire property, weed-eating, removing all undergrowth, blowing all debris back onto the property and properly storing trash containers behind the front plane of the home. A re-inspection was conducted on June 21, 2023, at which time the trash containers were properly stored and the front yard was mowed and re-inspection on June 27, 2023 confirmed the property was in compliance.

Ms. Hornbuckle recommended the property owners be found in violation of 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) and requested any future violations under this ordinance be considered repeat. No costs were requested.

Special Magistrate Fuller found the property owner in violation as alleged because the violations were not corrected by the compliance date of June 8, 2023 and any future violation will be considered repeat.

4. **CEB Case No.:** 23-0282
   Respondent: Larry C. Martin, Trustee of Martin Grantor Trust
   Address of Violation: 3738 Nova Road, Port Orange, FL 32129
   Code Officer: Dena Joseph
   First Notified: 3/3/2023

   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), (c) (Maintenance of commercial and industrial zones lots) of the City of Port Orange Code of Ordinances, (h) Abutting property owner maintenance of parkages.

Bailey Hornbuckle 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.

ADJOURNMENT – 9:08 a.m.

Special Magistrate David Fuller