

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
SEPTEMBER 27, 2023

THE CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING of the City of Port Orange was called to order by Special Magistrate David Fuller at 9:07 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Scott Allman, Code Enforcement Officer
Dena Joseph, Code Enforcement Officer

Oaths

Code Enforcement Officers Scott Allman and Dena Joseph were 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 - September 13, 2023

Special Magistrate Fuller approved the September 13, 2023 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 23-229
Respondent: Peggy A. Brandt
Address of Violation: 6114 Palmas Drive, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 2/16/2023

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.

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Scott Allman, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested a continuation of the case until October 25, 2023. Special Magistrate Fuller granted the continuation request.

4. **CEB Case No.:** 23-781

Respondent: Marc Anthony Cinicola

Tasha Smith

Address of Violation: 109 Wimbledon Court, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 7/25/2023

Compliance: No

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (d) No recreational vehicle or equipment greater than 24 feet in length shall be parked or stored on any residential lot or the right-of-way adjoining the residential lot except for the following: (1) In an enclosed building or a completely enclosed garage. (2) Behind the front plane of a dwelling unit. (3) Anywhere on residential premises for a period not to exceed 72 hours in any continuous 30-day period for the purpose of maintenance, loading or unloading.

Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances.

Mr. Allman 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 September 18, 2023 by properly parking the R.V and by removing the R.V from the front yard.

Mr. Allman recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by October 9, 2023 by properly parking the R.V and by removing the R.V from the front yard. 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 \$250.00 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. Allman requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$65.89 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Mr. Allman said Marc Cinicola, the property owner, notified him that his daughter was displaced after the storm last year and allowed her to stay in the R.V temporarily but now will not leave.

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Special Magistrate Fuller granted the recommendation as presented. The property owner has until October 9, 2023 to properly park or store the R.V and remove the R.V from the front yard or a daily fine in the amount of \$250.00 per day shall be imposed. Costs in the amount of \$65.89 were awarded to the City.

5. **CEB Case No.:** 23-0659

Respondent: Mary D. Lenihan

Address of Violation: 4654 Secret River Trail, Port Orange, FL 32129

Code Officer: Bailey Hornbuckle

First Notified: 6/26/2023

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), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances (h) Abutting property owner maintenance of parkages

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

6. **CEB Case No.:** 23-0760

Respondent: Allen E. Davis III Estate

Carol Frances Davis

Address of Violation: 4041 S. Waterbridge Circle, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 7/14/2023

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), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances (h) Abutting property owner maintenance of parkages.

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

7. **CEB Case No.:** 22-1374

Respondent: Lauren Sanso

Bank of England/Lender

Heritage Insurance

Nationstar Mortgage LLC dba Mr. Cooper

Nationstar Mortgage LLC/Mr. Copper/Corelogic

Nationstar MTG LLC dba Mr. Cooper

All Unknown Occupants/Tenants

Address of Violation: 826 Sugar House Boulevard, Port Orange, FL
32129

Code Officer: Dena Joseph

First Notified: 10/2/2022

Compliance: No

Cited for violation(s) - Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 111.1 Unsafe Conditions, 111.1.1 Unsafe Structures, 111.1.3 Structure unfit for human occupancy, 111.1.5 Dangerous structure or premises.

Dena Joseph, Code Enforcement Officer, was sworn in by Special Magistrate Fuller requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

8. **CEB Case No.:** 22-1393

Respondent: James V. Kloos

Itala M. Kloos

Mr. Cooper

Nationstar Mortgage LLC

Nationstar Mortgage LLC/Mr. Cooper

Federal National Mortgage Association

Bank of America, NA

Nationstar MTG LLC

All Unknown Occupants/Tenants

Address of Violation: 828 Sugar House Boulevard, Port Orange, FL
32129

Code Officer: Dena Joseph

First Notified: 10/2/2022

Compliance: No

Cited for violation(s) - Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as

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adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 111.1 Unsafe Conditions, 111.1.1 Unsafe Structures, 111.1.3 Structure unfit for human occupancy, 111.1.5 Dangerous structure or premises

Chapter 3 General Requirements, Section 304 Exterior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.1 General, 305.1 General

Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance), 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), (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.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance by vacating the structure immediately, removing all trash, debris, junk, and outside stored items by May 5, 2023, applying for a demolition permit by May 7, 2023, and obtaining and paying for the demolition permit to include all associated fees, and completing the demolition no later than June 17, 2023 and to have the property filled, graded, and seeded with grass seed or sodded within five days following the demolition completion, as ordered in the previous hearing on June 14, 2023 by the Special Magistrate. She requested a daily fine in the amount of \$250.00 per day beginning on May 6, 2023, through and including September 12, 2023, for a total of 130 days totaling \$32,500.00 as ordered in the Finding of Fact, Conclusion of Law & Order. The City retained vendor Samsula Demolition, who abated the violation(s) at the cost of \$7,737.60. The vendor invoice and a cost sheet for mailing and recording costs in the amount of \$2936.98 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 \$250.00 per day beginning on May 6, 2023, through and including September 12, 2023, for a total of 130 days totaling \$32,500.00, abatement costs of \$7,737.60 and mailing and recording costs to date of \$2936.98. A lien in the amount of \$43,174.58 shall be imposed.

9. CEB Case No.: 22-1394

Respondent: Fair Value Homebuyers, LLC

Fair Value Homebuyers, LLC c/o: Paul Anesevice

Fair Value Homebuyers, LLC c/o: United States Corporation Agents, Inc.

Fair Value Homebuyers, LLC c/o: Delaware Business Incorporators, Inc.

Flagler Insurance

Maria Coroneos

All Unknown Tenants/Occupants

Address of Violation: 830 Sugar House Boulevard, Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 10/2/2022

Compliance: No

Cited for violation(s) - Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 111.1 Unsafe Conditions, 111.1.1 Unsafe Structures, 111.1.3 Structure unfit for human occupancy, 111.1.5 Dangerous structure or premises

Chapter 3 General Requirements, Section 304 Exterior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.1 General, 305.1 General

Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance), 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), (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.

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

10. CEB Case No.: 22-1377

Respondent: Marlene Prouty Estate

Marlene Prouty

Vincent Prouty

PNC Mortgage

Cardinal Financial Company

Universal Property & Casualty Insurance Company c/o: Vetra Harrison

All Unknown Occupants/Tenants

Address of Violation: 832 Sugar House Boulevard, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 10/2/2022

Compliance: No

Cited for violation(s) - Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as

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adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 111.1 Unsafe Conditions, 111.1.1 Unsafe Structures, 111.1.3 Structure unfit for human occupancy, 111.1.5 Dangerous structure or premises

Chapter 3 General Requirements, Section 304 Exterior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.1 General, 305.1 General

Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance), 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), (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.

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

11. CEB Case No.: 23-692

Respondent: Darrell Blake

Sharon Blake

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

Code Officer: Scott Allman

First Notified: 6/29/2023

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.

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance immediately, as ordered in the previous hearing on August 9, 2023 by the Special Magistrate. The City retained vendor Pete - Scapes, who abated the violation(s) at the cost of \$395.00. A cost sheet for mailing and recording costs in the amount of \$129.54 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded abatement costs of \$395.00 and mailing and recording costs to date of \$129.54. A lien in the amount of \$524.54 shall be imposed.

12. **CEB Case No.:** 23-0626

Respondent: Geraldine Jones Life Estate

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

Code Officer: Bailey Hornbuckle

First Notified: 6/8/2023

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), (h) (Abutting property owner maintenance of parkages) and (f) Garbage, waste, trash, etc. 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. Allman requested a continuation of the case until October 25, 2023. Special Magistrate Fuller granted the continuation request.

ADJOURNMENT – 9:34 a.m.



Special Magistrate David Fuller