

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
OCTOBER 25, 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: Dena Joseph, Code Enforcement Officer
Meghan Meyer, Administrative Assistant

Oaths

Code Enforcement Officer Dena Joseph 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 - September 27, 2023

Special Magistrate Fuller approved the September 27, 2023 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 23-0976

Respondent: Robert A. Costa

Address of Violation: 719 Hawks Ridge Road, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 9/5/2023

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.

Ms. Joseph 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 October 1,

2023 by mowing the entire property to include weed eating all high weeds on site and blowing all yard debris back onto the property.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by November 5, 2023 by mowing the entire property to include weed eating all high weeds on site and blowing all 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 of Port Orange shall have the option to abate the violation as this is a health and safety concern and 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. Ms. Joseph requested any future violations under this ordinance be considered repeat, and that the property be deemed a health and safety concern. The cost sheet in the amount of \$47.57 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 has until November 5, 2023 to mow the entire property to include weed eating all high weeds on site and blow all yard debris back onto the property or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$47.57 were awarded to the City.

4. CEB Case No.: 23-0498

Respondent: Douglas Wayne Brewer

Address of Violation: 634 Sweetwood Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 7/26/2023

Compliance: No

Cited for violation(s) - Chapter 3, Section 304 (Exterior Structure), 304.6 (Exterior Walls), of the 2021 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Dena Joseph, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested a continuation of the case until November 8, 2023. Special Magistrate Fuller granted the continuation request.

5. CEB Case No.: 23-0851

Respondent: John T. Reilly

Julie D. Hardbarger

Address of Violation: 5787 Sweetwater Blvd., Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 8/14/2023

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.

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

6. **CEB Case No.:** 23-0912

Respondent: Mario Longo

Address of Violation: 6105 Jasmine Vine Drive, Port Orange, FL 32128

Code Officer: Dena Joseph

First Notified: 8/23/2023

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.
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 continuation of the case until November 8, 2023. Special Magistrate Fuller granted the continuation request.

7. **CEB Case No.:** 23-0926

Respondent: Joan C. Flamm Estate

Catherine G. Swain, P.A.

Address of Violation: 5237 Pineland Avenue, Port Orange, FL 32127

Code Officer: Benjamin Elkinton

First Notified: 8/25/2023

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.

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

8. **CEB Case No.:** 23-1008

Respondent: Stacey Louise Algieri Estate

Address of Violation: 5245 Sydney Street, Port Orange, FL 32127
Code Officer: Benjamin Elkinton
First Notified: 9/13/2023
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.

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

9. **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.

Ms. Joseph requested a continuation of the case until November 8, 2023. Special Magistrate Fuller granted the continuation request.

ORDER IMPOSING FINE/LIEN

10. **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.

Ms. Joseph requested a continuation of the case until December 13, 2023. Special Magistrate Fuller granted the continuation request.

ADJOURNMENT – 9:13 a.m.


Special Magistrate David Fuller