CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
APRIL 24, 2024

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 Scott Allman, Code Enforcement Officer Dennis Boehmer, Code Enforcement Officer Tracee Cody, Deputy City Clerk

Oaths

Code Enforcement Officers Bailey Hornbuckle, Scott Allman, and Dennis Boehmer 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 - March 27, 2024

Special Magistrate Fuller approved the March 27, 2024 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 24-79
   Respondent: Ophelia Rebecca Steele
   Jerrica Allena Avery
   Address of Violation: 401 Leslie Drive, Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 1/24/2024

   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.
City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations),

Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance: (b) All fences shall be maintained in their original upright condition & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.
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.

Scott Allman 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 April 1, 2024 by removing all outdoor stored items from the driveway, and on the side of the home and side yard, and by properly storing them in an enclosed building. The items include but are not limited to buckets, bins, tarps, water jugs and carpet. It was noted that a re-inspection on April 8, 2024 which showed that the yard had been mowed and the fence repaired.

Mr. Allman recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by May 8, 2024 by removing all outdoor stored items from the driveway, and on the side of the home and side yard, and by properly storing them in an enclosed building. The items include but are not limited to buckets, bins, tarps, water jugs and carpet. 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. Allman requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $66.57 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Ophelia Rebecca Steele, property owner, was sworn in by Special Magistrate Fuller and testified as to the condition of the property. Ms. Steele stated she ended up in the hospital and then rehabilitation but said the violations are being corrected.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until May 8, 2024 to remove all outdoor stored items from the driveway, and on the side of the home and side yard, and properly store them in an enclosed building. The items include but are not limited to buckets, bins, tarps, water jugs and carpet or a daily fine in the amount of $100.00 per day shall be imposed. Costs in the amount of $66.57 were awarded to the City.

4. **CEB Case No.:** 24-0217
   Respondent: Gil Lichtenstein
   Address of Violation: 907 Second Street, Port Orange, FL 32129
   Code Officer: Sherry Schimizzi
   First Notified: 3/1/2024

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 and (h) Abutting property owner maintenance of parkages.
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.
City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) All fences shall be maintained in their original upright condition & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

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

5. **CEB Case No.:** 24-0421
   Respondent: Kathy L. Ratley
   Beverly McClure
   Tracy Seagle
   Address of Violation: 5196 Pineland Avenue, Port Orange, FL 32127
   Code Officer: Bailey Hornbuckle
   First Notified: 3/15/2024

   Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 309 (Pest Elimination), 309.1 (Infestation), of the 2024 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.
Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.5 (Rodent Harborage)

Bailey Hornbuckle 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 April 22, 2024 by eradicating all rats and rodents inside and outside of the property.

Tracy Seagle, sister of Kathy Ratley the property owner, was sworn in by Special Magistrate Fuller and testified as to the condition of the property. She explained that her sister is deceased and Ms. Seagle's son is currently trying to fix the violations by tenting the home.

Ms. Hornbuckle recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by April 29, 2024 by eradicating all

rats and rodents inside and outside of 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 violations, as they are a serious threat to the public health, safety and welfare, in that, the rat/rodent population is growing and spreading to neighboring properties. Abatement shall consist of eradicating all rats and rodents from the entire property, including the interior of the home or structure. 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. Hornbuckle requested any future violations under this ordinance be considered repeat, and that the property be deemed a serious threat to the public as a health and safety concern. The cost sheet in the amount of $85.23 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 April 29, 2024 to eradicate all rats and rodents from the entire property including the interior of the home or structure. Costs in the amount of $85.23 were awarded to the City.

ORDER IMPOSING FINE/LIEN

6. **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. Hornbuckle requested a continuation of the case until June 12, 2024. Special Magistrate Fuller granted the continuation request.

7. **CEB Case No.:** 24-0019
   Respondent: Peter J. Renko
   Address of Violation: 150 Howes Street, Port Orange, FL 32127
   Code Officer: Dennis A. Boehmer
   First Notified: 1/8/2024

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 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.

Dennis A. Boehmer, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested an Order Setting Fine/Lien as the property was not in compliance by mowing the yard of all high weeds/grass, blowing all debris back into the yard, and by picking up/removing all trash and debris on the front of the property, as ordered in the previous hearing on March 13, 2024 by the Special Magistrate. The City retained vendor Yellowstone Landscape, who abated the violation(s) at the cost of $150.00. A cost sheet for mailing and recording costs in the amount of $103.49 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded abatement costs of $150.00 and mailing and recording costs to date of $103.49. A lien in the amount of $253.49 shall be imposed.

ADJOURNMENT – 9:46 a.m.

Special Magistrate David Fuller