

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MAY 8, 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: Amanda Bonin, Code Enforcement Manager
Sherry Schimizzi, Code Enforcement Officer
Scott Allman, Code Enforcement Officer

Oaths

Code Enforcement Officers Scott Allman and Sherry Schimizzi and Code Enforcement Manager Amanda Bonin 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 - April 24, 2024

Special Magistrate Fuller approved the April 24, 2024 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 24-0039

Respondent: Larry C. Martin, Trustee
Martin Grantor Trust

Address of Violation: 3738 Nova Road, Port Orange, FL 32129

Code Officer: Bailey Hornbuckle

First Notified: 1/16/2024

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), (c) (Maintenance of commercial and industrial zoned 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 15 (Signs), Section Maintenance, (b) (1)

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Amanda Bonin, Code Enforcement Manager, requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

4. **CEB Case No.:** 24-0335

Respondent: Stephen Stewart

Address of Violation: 717 Dove Avenue, Port Orange, FL 32129

Code Officer: Sherry Schimizzi

First Notified: 3/19/2024

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 (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.

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

5. **CEB Case No.:** 24-0332

Respondent: Stephen Stewart

Address of Violation: 717 Dove Avenue, Port Orange, FL 32129

Code Officer: Sherry Schimizzi

First Notified: 3/19/2024

Compliance: No

Cited for violation(s) - Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (General) and 505.3 (Supply), of the 2024 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of the Port Orange Code of Ordinances.

Sherry Schimizzi 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 March 29, 2024 by reestablishing a water connection through the City of Port Orange.

Ms. Schimizzi recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by May 19, 2024 by reestablishing a water connection through the City of Port Orange. 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 one-time fine in the amount of \$1000.00 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. Schimizzi

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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.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until May 19, 2024 to reestablish a water connection through the City of Port Orange or a one-time fine in the amount of \$1000.00 shall be imposed. Costs in the amount of \$66.57 were awarded to the City.

6. **CEB Case No.:** 24-239

Respondent: Kaley Kinsler

Address of Violation: 107 Cambridge Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 3/11/2024

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, (h) Abutting property owner maintenance of parkages.

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

7. **CEB Case No.:** 24-0208

Respondent: Lawrence Johnson

Peggy Johnson

Address of Violation: 1209 Harbour Point Drive, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 2/28/2024

Compliance: No

Cited for violation(s) - 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.

Ms. Bonin 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 24, 2024 by parking the Ford Expedition in the garage, covering it with an approved car cover, or obtaining a current tag/vehicle registration for it.

Ms. Bonin recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by May 19, 2024 by parking the Ford Expedition in the garage, covering it with an approved car cover, or obtaining a

current tag/vehicle registration for it. 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 one-time fine in the amount of \$500.00 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. Bonin requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$103.89 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 May 19, 2024 to either park the Ford Expedition in the garage, cover it with an approved car cover, or obtain a current tag/vehicle registration for it or a one-time fine in the amount of \$500.00 per day shall be imposed. Costs in the amount of \$103.89 were awarded to the City.

ORDER IMPOSING FINE/LIEN

8. CEB Case No.: 24-0009

Respondent: Jason Arnold

Derek Arnold

Address of Violation: 706 Marshall Circle, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 1/5/2024

Compliance: No

Cited for violation(s) - 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. Bonin, Code Enforcement Manager, was sworn in by Special Magistrate Fuller and requested an Order Setting Fine/Lien as the property was not in compliance by March 31, 2024, as ordered in the previous hearing on March 27, 2024 by the Special Magistrate. She requested a daily fine in the amount of \$100.00 per day beginning on April 1, 2024 for each and every day the violation consists as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$187.46 was tendered and submitted into evidence without objection.

Jason Arnold, property owner, was sworn in by Special Magistrate Fuller and testified as to the condition of the property. Mr. Arnold explained he is disabled and has tried to correct the violation but still needs to purchase vinyl fence panels and posts. Special Magistrate Fuller asked if the City would allow more time for the owner to fix the fence.

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Ms. Bonin extended the compliance date to June 8, 2024; however, if the fence is not corrected by June 8, then the \$100.00 daily fine will start on April 1, 2024.

Special Magistrate Fuller found the property in non-compliance but suspended the imposition of a daily fine in the amount of \$100.00 beginning April 1, 2024 for each and every day the violation consists so long as the fence violation is corrected by the extended compliance date of June 8, 2024.

9. CEB Case No.: 23-1271

Respondent: Amy E. Riggle

Address of Violation: 5714 Riverside Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 11/9/2023

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas and Hot Tubs), 303.1 (Swimming pools), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II 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.

Scott Allman, 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 April 26, 2024, as ordered in the previous hearing on March 27, 2024 by the Special Magistrate. He requested a daily fine in the amount of \$10.00 per day beginning on April 27, 2024 each and every day the violation exists as ordered in the Finding of Fact, Conclusion of Law & Order. 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 a daily fine in the amount of \$10.00 beginning on April 27, 2024 for each and every day the violation exists and mailing and recording costs to date of \$103.49. A lien in the amount of \$103.49 shall be imposed.

ADJOURNMENT – 9:35 a.m.


Special Magistrate David Fuller