CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JUNE 12, 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:	Scott Allman, Code Enforcement Officer Sherry Schimizzi, Code Enforcement Officer Bailey Hornbuckle, Code Enforcement Officer Tracee Cody, Deputy City Clerk

Oaths

Code Enforcement Officers Scott Allman, Sherry Schimizzi, and Bailey Hornbuckle 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 - May 22, 2024

Special Magistrate Fuller approved the May 22, 2024 meeting minutes as presented.

ORDER IMPOSING FINE/LIEN

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: 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.

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.

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

4. **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 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames), 304.15 (Doors), and 304.6 (Exterior Walls) of the 2024 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.
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, 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 May 19, 2024, as ordered in the previous hearing on May 8, 2024 by the Special Magistrate. She requested a one time fine in the amount of $1,000.00 as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of $131.48 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a one time fine in the amount of $1,000.00 and mailing and recording costs to date of $131.48. A lien in the amount of $1,131.48 shall be imposed.

5. **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.

Bailey Hornbuckle, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested an Order Setting Fine/Lien as the property was not in compliance immediately, as ordered in the previous hearing on August 23, 2023 by the Special Magistrate. The City retained vendor Yellowstone Landscape, who abated the violation(s) at the cost of $596.79. A cost sheet for mailing and recording costs in the amount of $103.15 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded abatement costs of $596.79 and mailing and recording costs to date of $103.15. A lien in the amount of $699.94 shall be imposed.

6. **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: Yes

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)

Mr. Allman 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: Yes

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.

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

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.

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 March 31, 2024, as ordered in the previous hearing on March 27, 2024 by the Special Magistrate. He requested a daily fine in the amount of $100.00 per day beginning April 1, 2024 for 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 $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 that he broke his arm the following weekend after the last hearing.

Special Magistrate Fuller found the property in non-compliance and awarded a daily fine in the amount of $100.00 beginning April 1, 2024 for each and every day the violation exists and mailing and recording costs to date of $187.46. A lien in the amount of $187.46 shall be imposed.

ADJOURNMENT – 9:17 a.m.

Special Magistrate David Fuller