

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
OCTOBER 23, 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: DENA JOSEPH, CODE OFFICER
SCOTT ALLMAN, CODE OFFICER
AMANDA BONIN, DEPUTY CITY CLERK

Oaths

Code Enforcement Officers, Dena Joseph and Scott Allman were sworn in by Special Magistrate Fuller.

CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes

Special Magistrate Fuller approved the September 25, 2024 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 24-170

Respondent: Brandon Gould

Address of Violation: 5791 Woodcliff Road, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 2/19/2024

Compliance: Yes

Cited for violation(s) - 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 requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

4. CEB Case No.: 24-1210

Respondent: Joseph Garcia

Address of Violation: 1137 Bayview Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 8/30/2024

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.

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

5. CEB Case No.: 24-1211

Respondent: Mark Davison

Address of Violation: 1125 Bayview Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 8/30/2024

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.

Mr. 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 mowing the entire property and trimming all high weeds, removing all down trees and limbs, and by removing or repairing the damaged chain link fence on the property by October 7, 2024.

Scott Allman recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by mowing the entire property and trimming all high weeds, removing all down trees and limbs, and by removing or repairing the damaged chain link fence on the property by November 6, 2024. In the event the property is not brought into compliance on or before the compliance date,

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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. Scott Allman requested any future violations under this ordinance be considered repeat, and that the property be deemed a health and safety concern for the surrounding neighbors in that it is an attractive nuisance for small children, rodents, and other pests. The cost sheet in the amount of \$70.57 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 to November 6, 2024, or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$70.57 were awarded to the City.

6. CEB Case No.: 24-1230

Respondent: Carolyn Joyce Burgess

Address of Violation: 1179 N. Tracy Drive, Port Orange, FL 32129

Code Officer: Stan Barber

First Notified: 9/3/2024

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.

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

7. CEB Case No.: 24-1156

Respondent: Tiffany R. Smith

Address of Violation: 254 Manhattan Way, Port Orange, FL 32129

Code Officer: Stan Barber

First Notified: 8/27/2024

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. Chapter 56 (Solid Waste), Article II (Collection and Disposal Service), Section 56-34 (Location of Containers) of the City of Port Orange Code of Ordinances. Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49

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(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.: 24-0989

Respondent: Florida PCF Investments LLC, Property Owner
C/O Hewitt Dupont, Registered Agent

Address of Violation: Parcel ID: 6213-14-00-0010
1515 Town West Boulevard, Port Orange, FL 32128

Code Officer: Dena Joseph

First Notified: 7/29/2024

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.

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

9. CEB Case No.: 24-1100

Respondent: Scott Lambert

Address of Violation: 127 West Gate Drive, Port Orange, FL 32129

Code Officer: Stan Barber

First Notified: 8/20/2024

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. Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-82 (Exempted noises and lights), of the City of Port Orange Code of Ordinances: (11) Holiday lights, displayed at times when such lights are generally considered appropriate, provided they do not produce excessive glare.

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

10. CEB Case No.: 24-1097

Respondent: Scott Lambert

Address of Violation: 126 West Gate Drive Port Orange, FL 32129

Code Officer: Stan Barber

First Notified: 8/20/2024

Compliance: Yes

Cited for violation(s) - Chapter 56 (Solid Waste), Article II (Collection and Disposal Service), Section 56-34 (Location of Containers) 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), (d) (Maintenance of improved residential lots) and (h) (Abutting property owner maintenance of parkages, 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.

11. **CEB Case No.:** 23-1371

Respondent: Arkagas LLC C/O Daniel Neary Registered Agent

Address of Violation: 5784 Taylor Branch Road, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 12/8/2023

Compliance: No

Cited for violation(s) - Chapter 1 (Scope and Administration), Section 109 (Unsafe Structures and Equipment), 109.1.5 (Hazardous structures or premises), (3) and (4), of the 2024 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 109.1.5 Hazardous structure or premises (3) and (4).

Dena Joseph, Code Enforcement Officer, 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 9, 2024, by removing the altered canopy structure on the commercial building at this location and obtain a permit prior to the commencement of this work.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by removing the altered canopy structure on the commercial building at this location and obtaining a permit prior to the commencement of this work by November 24, 2024. 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. Ms. Joseph requested any future violations under this ordinance be considered repeat.

Brandon Weinstein, registered agent for the property owner, was sworn in and testified. He stated they are working with a new tenant, the site plan shows the canopy is going to be removed, and the buyer will be the one removing the canopy. Mr. Weinstein is requesting a few months extension so they don't have to pay for the removal since the buyer is planning to remove the canopy after they close on the property.

Ms. Joseph asked Mr. Weinstein if there was a purchase agreement/contract with the buyer and what the sale date is on that contract. Mr. Weinstein stated there is a contract that references the site plan that will require removal of the canopy.

Special Magistrate Fuller requested to see the contract and the site plan as approved and continued this case to November 13, 2024, to allow for Mr. Weinstein to provide the documents as requested.

ORDER IMPOSING FINE/LIEN

12. **CEB Case No.:** 24-632

Respondent: Christopher Hartnett

Helene Catrambone

Address of Violation: 725 Merrimac Drive

Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 5/29/2024

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.

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 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages.

Chapter 56 (Solid Waste), Article II (Collection and Disposal Service), Section 56-31 (Containers required) of the City of Port Orange Ordinances.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.2 (Protective Treatment) of the 2024 International Property Maintenance Code as adopted per the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14.

Chapter 3, Section 304 (Exterior Structure), 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 3 (General Requirements), Section 302.1 (Sanitation) 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 303 (Swimming Pools, Spas and Hot Tubs), 303.2 (Enclosures), of the 2024 International Property Maintenance Code as

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adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. Chapter 3, Section 302 (Exterior Property Areas), 302.7 (Accessory Structures) of the 2024 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Mr. Allman, was sworn in by Special Magistrate Fuller and requested an Order Setting Fine/Lien as the property was not in compliance by mowing the entire property and trimming all high weeds and grass and by removing all vines from the home, by cleaning and painting all fascia boards that are stained, by repairing all exterior walls where there is missing and damaged stucco, by pressure washing and or painting the exterior of the home and by securing all doors to the pool enclosure and by replacing all missing screens on the pool enclosure. Additionally, the property owner shall immediately secure all lower screens with construction barrier to prevent children and animals from entering the pool area, as ordered in the previous hearing on September 11, 2024, by the Special Magistrate. He requested a daily fine in the amount of \$100.00 per day beginning October 12, 2024 and will continue to run until compliance is met as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$117.10 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 \$100.00 beginning October 12, 2024 and mailing and recording costs to date of \$117.10. A lien in the amount of \$117.10 shall be imposed.

ADJOURNMENT- 10:05 a.m.


Special Magistrate David Fuller