

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
SEPTEMBER 25, 2024

THE CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING of the City of Port Orange was called to order by Special Magistrate David Fuller at 9:03 a.m.

Present: David Fuller, Special Magistrate

Also Present: Tom Quane, Code Enforcement Officer
Scott Allman, Code Enforcement Officer
Tracee Cody, Deputy City Clerk

Oaths

Code Enforcement Officers, Tom Quane and Scott Allman, 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 - September 11, 2024

Special Magistrate Fuller approved the September 11, 2024 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 24-609

Respondent: Matthew J. Olson

Address of Violation: 6065 Spruce Point Circle, Port Orange, FL 32128

Code Officer: Dena Joseph

First Notified: 5/22/2024

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.

Scott Allman, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

4. **CEB Case No.:** 24-986
Respondent: Marshall Carney
Lindsey Carney
Address of Violation: 6909 Vintage Lane, Port Orange, FL 32128
Code Officer: Dena Joseph
First Notified: 8/1/2024

Compliance: Yes

Cited for violation(s) - Chapter 58 (Streets, sidewalks, and other public places), Sec. 58-40 (Removal of obstructions in rights-of-way), 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.

5. **CEB Case No.:** 24-284
Respondent: Susan Stevens
Donald John Stevens
Address of Violation: 365 Hearthstone Terrace, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 3/19/2024

Compliance: Yes

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping, standing, and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) 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.

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

6. **CEB Case No.:** 24-372
Respondent: Kurt David Pierce
Ami Marie Pierce
Address of Violation: 611 Forest Troll Drive, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 3/25/2024

Compliance: Yes

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping, standing, and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) 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.

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

7. CEB Case No.: 24-1020

Respondent: Jennifer Wellnitz

Address of Violation: 748 Merrimac Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 8/8/2024

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) 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.

Mr. Allman 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 September 5, 2024 by mowing the entire property, trimming all high weeds and by removing all stored items including but not limited to; the mop bucket, kayak, cooler and other items on the driveway and side of the home.

Mr. Allman recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by October 8, 2024 by removing all stored items including but not limited to; the mop bucket, kayak, cooler and other items on the driveway and side of the home. 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 \$50.00 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 \$49.91 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 October 8, 2024 to remove all stored items including but not limited to;

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the mop bucket, kayak, cooler and other items on the driveway and side of the home or a daily fine in the amount of \$50.00 per day shall be imposed. Costs in the amount of \$49.91 were awarded to the City.

8. CEB Case No.: 24-908

Respondent: Jnl Wealth Investment LLC

Address of Violation: 5195 Rogers Avenue, Port Orange, FL 32127

Code Officer: Tom Quane

First Notified: 7/19/2024

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 and (h) Abutting property owner maintenance of parkages.

Tom Quane, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

9. CEB Case No.: 24-725

Respondent: Diana Lynn Newth

Address of Violation: 5169 Pineland Avenue, Port Orange, FL 32127

Code Officer: Tom Quane

First Notified: 6/18/2024

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.

Mr. Quane 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 September 3, 2024 by repairing the fence to its original and upright condition or by removing the fence from the property.

Mr. Quane recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by October 7, 2024 by repairing the fence to its original and upright condition or by removing the fence from 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, 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. Quane requested any future violations under this ordinance be

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considered repeat. 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. The property owner has until October 7, 2024 to repair the fence to its original and upright condition or by removing the fence from the property 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.

10. CEB Case No.: 24-1008

Respondent: James Michael Tardella

Address of Violation: 113 White Place, Port Orange, FL 32127

Code Officer: Tom Quane

First Notified: 8/6/2024

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.

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

11. CEB Case No.: 24-968

Respondent: Richard M. Gregoire

Janne C. Gregoire

Address of Violation: 5213 Rogers Avenue, Port Orange, FL 32127

Code Officer: Tom Quane

First Notified: 7/31/2024

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 and (h) Abutting property owner maintenance of parkages.

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.

Mr. Quane 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 September 6, 2024 by mowing all high weeds, grass, and undergrowth, and removing or properly disposing of all trash and debris from the property.

Mr. Quane recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by October 7, 2024 by mowing all high weeds, grass, and undergrowth, and removing or properly disposing of all trash and debris from 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, 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. Quane requested any future violations under this ordinance be considered repeat. 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. The property owner has until October 7, 2024 to mow all high weeds, grass, and undergrowth, and remove or properly dispose of all trash and debris from the property 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.

ORDER IMPOSING FINE/LIEN

12. CEB Case No.: 24-627

Respondent: HPA III ACQUISITIONS 1 LLC - Property Owner
Corporation Service Company - Registered Agent

Address of Violation: 5127 Pineland Avenue, Port Orange, FL 32127

Code Officer: Tom Quane

First Notified: 5/24/2024

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), (f) Garbage, waste, trash, etc., prohibited, 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. Quane requested an Order Setting Fine/Lien as the property was not in compliance by September 6, 2024, as ordered in the previous hearing on August 14, 2024 by the Special Magistrate. He requested a daily fine in the amount of \$100.00 per day beginning September 7, 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 \$195.46 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 September 7, 2024 for each and every day the violation exists and mailing and recording costs to date of \$195.46. A lien in the amount of \$195.46 shall be imposed.

ADJOURNMENT – 9:44 a.m.



Special Magistrate David Fuller