

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
DECEMBER 11, 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
AMANDA BONIN, DEPUTY CITY CLERK

Oaths

Code Enforcement Officer Dena Joseph was 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 – October 23, 2024 and November 13, 2024

Special Magistrate Fuller approved the October 23, 2024, and November 13, 2024, meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 24-0998

Respondent: Homeowners Association of Westport Reserve Inc., Artemis Lifestyle Services, Inc., Registered Agent

Address of Violation: 5571 Estero Loop (Westport Reserve Phase 3 Swale behind the houses on the South end of Estero Loop)

Code Officer: Dena Joseph

First Notified: 8/1/2024

Compliance: Yes

Cited for violation(s) - Chapter 10, Article II, Section 13 Maintenance, of the City of Port Orange Land Development Code; Chapter 10, Article II, Section 14 Enforcement, of the City of Port Orange Land Development Code; Saint John's River Water Management District Permit No. 91871-10 Issued July 13, 208, Condition 16 and 21.

Dena Joseph, 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.: 24-1260

Respondent: Arkagas LLC C/O Daniel Neary

Address of Violation: 5784 Taylor Branch Rd.

Code Officer: Dena Joseph

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. 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 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 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

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

5. 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 was sworn in by Special Magistrate Fuller and previously testified as to the condition of the property, as well as the notice provided to the property owner at the October 23, 2024, hearing. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by removing the altered canopy structure on the commercial building at this location and obtain a permit prior to the commencement of this work, on or before September 29, 2024.

Mr. Weinstein did not appear via zoom, as scheduled. Special Magistrate Fuller recalled the previous testimony, and asked Ms. Joseph to continue with her recommendation.

Dena Joseph recommended the property owners be found in violation of the above

referenced codes with the violations to be corrected by January 31, 2025, by removing the altered canopy structure on the commercial building at this location and obtaining a permit prior to the commencement of this work. 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. Dena Joseph 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 January 31, 2025, to remove the altered canopy structure on the commercial building at this location and obtain a permit prior to the commencement of this work, 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.: N/A

Respondent: James V. Kloos and Itala M. Kloos

Address of Violation: 828 Sugar House Blvd

828 Sugar House Blvd. is currently an empty residential lot that the owner is using as an illegal junkyard. You may recall that the quadruplex that previously existed on the property partially burned down and had to be demolished by the City in 2023 under the City's unsafe structure abatement procedures. The property remained a cleared lot until recently, when one of the property owners began bringing trailer-loads of junk to the property and storing the junk thereon. Although the City has routinely initiated code enforcement actions for violations observed at the property – spanning more than 20 years – each of which resulted in fines and liens imposed upon the property, the property owner has been undeterred by the financial consequences of his actions. This property has become a nuisance to surrounding homeowners and requires legal action to correct.

An Order Imposing Fine/Lien (Case No. 12-443) was recorded on April 11, 2012, at Official Records Book 6699, Page 2198 and an Amended Order Imposing Fine/Lien (Case No. 12-443) was recorded on August 20, 2012, at Official Records Book 6748, Page 3768; an Order Imposing Fine/Lien (Case No. 12-2971) was recorded on September 9, 2013, at Official Records Book 6903, Page 4890; and an Order Imposing Lien (Case No. 22-1393) was recorded on September 29, 2023, at Official Records Book 8465, Page 2799. All the liens remain unpaid. The City therefore, respectfully requests the Special Magistrate's authorization for the City Attorney to proceed with legal action pursuant to Florida Statute 162.09(3).

First Notified: 4/24/2023

Compliance: No

Matt Jones, City Attorney, presented case history to the Special Magistrate and notified him that the City had maxed out the fines at this property. Mr. Jones further explained the quadruplex on the property was previously demolished due to a structure fire and since then, one of the property owners has returned and has outside storage on the property. This property is not homesteaded and has become a public nuisance. Per Florida Statute 162.09, the City is required to receive authorization from the Special Magistrate to pursue action. Mr. Jones requested authorization from Special Magistrate Fuller to pursue action in authorizing a force sale and indicated that approval was granted by City Council at last night's meeting on December 10, 2024. Mr. Jones presented a prepared order to Special Magistrate Fuller for his signature. Special Magistrate Fuller approved and signed the order as presented.

7. CEB Case No.: N/A

Respondent: Stephen Stewart

Address of Violation: 717 Dove Ave.

717 Dove Ave. is a mobile home that has been the subject of multiple search warrants for narcotics activities. Each search warrant resulting in multiple narcotics arrests and charges. The property has also become a sanitary nuisance occupied by multiple individuals without running water or electricity in violation of the City's Code. The City currently has utility liens and code enforcement liens totaling over \$60,000. However, the owner of the home has been undeterred by the financial consequences of his actions. This has left the City with no other choice than to initiate court action to remedy the issue.

The following code enforcement liens remain unpaid for this property:

1. **Order Imposing Fine/Lien (Abandoned Vehicles):** Recorded on October 14, 2021, in Book 8136, Page 4051;
2. **Order Imposing Fine/Lien (High Weeds, Outdoor Storage):** Original recording: January 14, 2022, in Book 8188, Page 459.; Corrected recording: January 20, 2022, in Book 8190, Page 2073;
3. **Order Imposing Fine/Lien (High Weeds and Grass):** Recorded on October 27, 2022, in Book 8328, Page 4637;
4. **Order Imposing Fine/Lien (Lack of Electricity):** Recorded on July 28, 2023, in Book 8439, Page 4049; and,
5. **Order Imposing Fine/Lien (Lack of City Water):** Recorded on June 14, 2024, in Book 8570, Page 382.

Therefore, based on the foregoing and pursuant to Florida Statute 162.09(3), the City Attorney's Office is requesting authority from the Special Magistrate to initiate legal proceedings against the above referenced property owners.

First Notified: 7/8/2021

Compliance: No

Matt Jones, City Attorney, presented a brief history to the Special Magistrate and notified him that the City had maxed out the fines at this property. Mr. Jones further

explained this property is not homesteaded and has become a criminal nuisance. Per Florida Statute 162.09, the City is required to receive authorization from the Special Magistrate to pursue action. Mr. Jones requested authorization from Special Magistrate Fuller to pursue action in authorizing a force sale and indicated that approval was granted by City Council at last night's meeting on December 10, 2024. Mr. Jones presented a prepared order to Special Magistrate Fuller for his signature. Special Magistrate Fuller approved and signed the order as presented.

ORDER IMPOSING FINE/LIEN

8. 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.

Ms. Joseph requested a continuation of the case until January 22, 2024. Special Magistrate Fuller granted the continuation request.

ADJOURNMENT

9:18 a.m.


Special Magistrate David Fuller