



SPECIAL MAGISTRATE HEARING MINUTES

Wednesday, March 26, 2025 at 3:00 PM

City Commission Chambers – 105 S. 2ND Street, Flagler Beach, FL 32136

1. Call the meeting to order

Magistrate Popp called the hearing to order at 3:02pm.

2. Roll Call

City Attorney Drew Smith, Code Enforcement Officer John Gifford, Chief Building Official Rick McFadden and Clerk to the Magistrate Michele Ficocello.

3. Approval of Meeting Minutes

a. February 26, 2025

Approved

4. Deletions and changes to the agenda

The Clerk requested adding a discussion about the parking citation appeals process to the agenda under other business.

5. Request To Identify Persons Having Cases on The Agenda

6. Parking Citation Appeals: None

7. New Cases - Code Enforcement

- a. Case Number: **EEN24-0045**; Respondent: Joy Massie McGrew & Thomas Lebo Massie; Address of Violation: 1724 S. Flagler Avenue; Tax Parcel ID Number: 18-12-32-2750-00140-0050; Violation: City of Flagler Beach, Code of Ordinance, Section 2.05.04.01 Residential Uses. (1) Generally (3) Location and height (a) Location (3) Rear Yard

The Respondent was present and sworn in by the Clerk. Mr. Gifford and Mr. McFadden were sworn in by the Clerk. City Attorney Smith confirmed with Mr. Gifford the City is withdrawing the portion of the violation having to do with working without a permit. The violation related to fence height will move forward. Mr. Gifford testified to the details of the violation related to the fence height and provided a power point presentation with photographic evidence. Mr. Gifford testified to the violation of City Ordinance. Discussion ensued and included determining if the fence is new or existing, type of fence and history of the fence. Mr. McFadden testified that approximately four (4) panels on the fence were replaced. The Respondent testified and provided photographic evidence (attached to minutes). The Respondent testified to the history of the property, the history of the fence and locations of previous fences. The Respondent stated the previous fences on the property have been four (4) feet in height. The Respondent testified to erecting the lattice fence approximating in the year 2015 with a height of five (5) feet raising it a foot to allow for water flow due to previous hurricane damage. The Respondent stated she has not changed the location of the fence. Magistrate Popp addressed the sightline obstruction caused by the fence. The Respondent stated there have not been any complaints from her neighbors. Magistrate Popp outlined the concerns related to the violation including the replacement of the type of fence and setting a precedent by not enforcing the City Ordinances equally. City Attorney Smith clarified the concern from the City is when the fence was replaced with a lattice fence, it went from four (4) feet to five (5) feet. Discussion ensued related to application of City Code,

history of code complaint on property and Magistrate processes. The Respondent agreed to come into compliance with the City Code. Magistrate Popp ordered the fence be brought into compliance with the four (4) foot fence height requirement within ninety (90) days and no order to impose mailing costs.

8. Status Updates - Code Enforcement: None

9. Other Business

Discussion related to parking citation appeal process ensued and included adding an instruction page to the parking citation appeal contest form, request for telephonic appearance form, hearing request to contest local parking citation form, request for continuance form, transfer of local parking citation liability form, request to withdraw contest of local parking citation appeal form, notice of hearing and offering an option of virtual appearances and the City's capacity to provide that option. The Clerk will work with the City Attorney to finalize the revised forms.

The Clerk reported four (4) parking citation appeals on the next hearing agenda. Code Enforcement reported no new code cases on the next hearing agenda. The City Attorney reported that 2261 S. Flagler Ave. has come into compliance and 3590 S. Ocean Shore Blvd/ 20 Clubhouse Drive has completed demolition.

10. Adjournment

Magistrate Popp adjourned the hearing at 4:50pm.



