



SPECIAL MAGISTRATE HEARING MINUTES

Wednesday, September 25, 2024 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 3:00pm.

2. Roll Call

City Attorney Drew Smith, Code Enforcement Officer John Gifford and Clerk to the Magistrate Michele Ficocello.

3. Approval of Meeting Minutes

a. August 28, 2024

Approved

4. Deletions and changes to the agenda

None

5. Request To Identify Persons Having Cases on The Agenda

6. Parking Citation Appeals

a. **CITATION NO:** P01160FB

APPELLANT: BECKY O'ROURKE ****VIA TELEPHONIC APPEARANCE****

POLICE OFFICER: OFFICER J. SAUNDERS # 7087

The Appellant appeared via telephone and was sworn in by the Clerk. Ofc. Saunders was not present. The Appellant testified she was unaware she could not park in the street. The Appellant stated she resides out-of-state. The Appellant stated she does have a residence in Palm Coast, FL. Discussion ensued regarding the safety concerns with parking in the street. The City's disposition took into consideration the Appellant being from out-of-state and would accept a reduced fine. Magistrate Popp ordered the fine reduced to thirty (30) dollars with sixty (60) days to pay. The Clerk will mail orders to the Appellant.

b. **CITATION NO:** P01066FB

APPELLANT: RODNEY YOVONN

POLICE OFFICER: OFFICER S. NOBRE #7082

The Appellant was not present. Ofc. Nobre was not present, but submitted an affidavit in support of citation along with photographic evidence. The Clerk reported the Appellant had previously been scheduled for the August 2024 hearing, but had requested to be rescheduled. The Clerk reported the Appellant was placed on the September 2024 hearing agenda, a notice was sent and proof of service was received. The Clerk also reported speaking to the Appellant directly a couple times. Magistrate Popp directed the Clerk to telephone the Appellant. The Clerk reached the Appellant via telephone and Magistrate Popp allowed a telephonic appearance. The Appellant was sworn in by the Clerk. The Appellant stated his name, Rodney Yovonn, and address, 2149 Old Daytona Road, Port Orange, FL 32128, for the record. The Appellant testified he was parked in the front yard of his employer's property and was not aware he was parked in the City's right-of-way in the wrong direction. Discussion ensued regarding the safety concerns with parking in the wrong direction. The

City's disposition is a reduced fine and community education due to confusion over identifying City right-of-ways. Magistrate Popp ordered the fine reduced to thirty (30) dollars and education of ten (10) licensed drivers with sixty (60) days to complete. The Clerk will mail orders to the Appellant.

7. New Cases - Code Enforcement

a. CASE NO: EEN24-0063

RESPONDENT: GERALD & CLAUDIA'S OCEANVIEW PLAZA LLC

ADDRESS OF VIOLATION: 210 MOODY BLVD

TAX PARCEL ID NO: 12-12-31-4500-00350-0010

VIOLATION: SECTION 2.06.06.07. MULTIFAMILY AND NON-RESIDENTIAL BUILDINGS SUPPLEMENTAL STANDARDS. TRASH RECEPTACLES SHALL BE SCREENED ON ALL SIDES WITH A HEDGE OR SOLID FENCE OR WALL OF NOT LESS THAN SIX (6) FEET IN HEIGHT. NO TRASH RECEPTACLE SHALL BE IN ANY FRONT YARD SETBACK, OR WITHIN TWENTY-FIVE (25) FEET OF PROPERTY LINES ABUTTING OTHER RESIDENTIAL ZONES

The Respondent was present and sworn in by the Clerk. Code Enforcement Officer John Gifford was present and sworn in by the Clerk. Mr. Gifford testified the Respondent is working through the permitting process to come into compliance. The Respondent testified the permit is currently in-progress. The City's disposition is to allow sixty (60) days to come into compliance. Magistrate Popp ordered the violation to be cured within sixty (60) days. The City Attorney will prepare the order and the Clerk will mail the order to the Respondent.

b. CASE NO: EEN24-0058

RESPONDENT: OCEAN BEACH CLUB II CONDO

ADDRESS OF VIOLATION: 3510 S OCEAN SHORE BLVD

TAX PARCEL ID NO: 29-12-32-4910-00000-0000

VIOLATION: SECTION 2.06.06.07. MULTIFAMILY AND NON-RESIDENTIAL BUILDINGS SUPPLEMENTAL STANDARDS. TRASH RECEPTACLES SHALL BE SCREENED ON ALL SIDES WITH A HEDGE OR SOLID FENCE OR WALL OF NOT LESS THAN SIX (6) FEET IN HEIGHT. NO TRASH RECEPTACLE SHALL BE IN ANY FRONT YARD SETBACK, OR WITHIN TWENTY-FIVE (25) FEET OF PROPERTY LINES ABUTTING OTHER RESIDENTIAL ZONES

The Respondent was not present. Code Enforcement Officer John Gifford testified he has been in contact with the Respondent and they are working through the permitting process to come into compliance. The City's disposition is to allow sixty (60) days to come into compliance. Magistrate Popp ordered the violation to be cured within sixty (60) days. The City Attorney will prepare the order and the Clerk will mail the order to the Respondent.

c. CASE NO: EEN24-0066

RESPONDENT: SEACREST MANOR CONDOMINIUM

ADDRESS OF VIOLATION: 400 N FLAGLER AVENUE

TAX PARCEL ID NO: 12-12-31-5440-00000-0000

VIOLATION: SECTION 2.06.06.07. MULTIFAMILY AND NON-RESIDENTIAL BUILDINGS SUPPLEMENTAL STANDARDS. TRASH RECEPTACLES SHALL BE SCREENED ON ALL SIDES WITH A HEDGE OR SOLID FENCE OR WALL OF NOT LESS THAN SIX (6) FEET IN HEIGHT. NO TRASH RECEPTACLE SHALL BE IN ANY FRONT YARD SETBACK, OR WITHIN TWENTY-FIVE (25) FEET OF PROPERTY LINES ABUTTING OTHER RESIDENTIAL ZONES

The Respondent was not present. Code Enforcement Officer John Gifford testified the Respondent has cured the violation. The City Attorney will prepare an order. The Clerk will mail the order to the Respondent.

d. **CASE NO:** EEN24-0060

RESPONDENT: MAYO CONDO

ADDRESS OF VIOLATION: 112 S 7TH STREET

TAX PARCEL ID NO: 12-12-31-4170-00000-0000

VIOLATION: SECTION 2.06.06.07. MULTIFAMILY AND NON-RESIDENTIAL BUILDINGS SUPPLEMENTAL STANDARDS. TRASH RECEPTACLES SHALL BE SCREENED ON ALL SIDES WITH A HEDGE OR SOLID FENCE OR WALL OF NOT LESS THAN SIX (6) FEET IN HEIGHT. NO TRASH RECEPTACLE SHALL BE IN ANY FRONT YARD SETBACK, OR WITHIN TWENTY-FIVE (25) FEET OF PROPERTY LINES ABUTTING OTHER RESIDENTIAL ZONES

The Respondent was present and sworn in by the Clerk. Mr. Gifford testified the Respondent is working through the permitting process to come into compliance. The Respondent testified the permit is currently in-progress. The City's disposition is to allow sixty (60) days to come into compliance. Magistrate Popp ordered the violation to be cured within sixty (60) days. The City Attorney will prepare the order and the Clerk will mail the order to the Respondent.

8. Status Updates - Code Enforcement: NONE

9. Other Business

Discussion about amending the hearing schedule due to the Code Enforcement Officer being unable to attend the October 2024 hearing. Details and dates to be determined by City Staff.

Code Enforcement reported one (1) case status update on the next agenda.

Clerk reported two (2) parking citation appeals on the next agenda.

10. Adjournment

Magistrate Popp adjourned the hearing at 3:37pm.