



## SPECIAL MAGISTRATE HEARING MINUTES

Wednesday, February 26, 2025 at 3:00 PM

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

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### 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, Code Enforcement Officer Gary Hinebaugh and Clerk to the Magistrate Michele Ficocello.

### 3. Approval of Meeting Minutes

#### a. January 22, 2025

Approved

Magistrate Popp requested a status update on the property at 1336 S. Flagler Avenue from the January 22, 2025 hearing. The City Attorney stated he is waiting for the title report and there has been no further contact from the Respondent.

### 4. Deletions and changes to the agenda

None

### 5. Request To Identify Persons Having Cases on The Agenda

### 6. Parking Citation Appeals

None

### 7. New Cases - Code Enforcement

None

### 8. Status Updates - Code Enforcement

#### a. CASE NO. **EEN23-0022**; Julie Guimond; ADDRESS OF VIOLATION: 2261 S Flagler Avenue; TAX PARCEL ID NO. 19-12-32-4550-00030-0230; VIOLATION: 2020 Florida Building Code, Building 7th Edition, Sec. 105 Permits [A] 105.1 Required

Code Enforcement Officers Gifford and Hinebaugh were sworn in by the Clerk. The Respondent was not present. Mr. Gifford provided a power point presentation along with photographic evidence. Discussion ensued regarding Code Enforcement and the Clerk's communication with the Respondent. The City Attorney inquired if the Respondent has complied with the previous orders in this case. Mr. Gifford stated he did not know as he had not heard from the Building Department on submitting a permit after the fact. The Respondent appeared and was sworn in by the Clerk. Mr. Gifford continued his testimony on the status of the case. The Respondent testified to the status of the property to include the pool and running electric to cure the violation. The Respondent stated the home will be demolished and the insurance claim is still ongoing. Discussion regarding curing immediate safety concerns ensued to include screening around the pool and stagnant pool water. The Respondent stated there was no work being done in the house and a permit was not required. Magistrate Popp inquired of Mr. Gifford what he knew about a permit being required.

Mr. Gifford testified the Building Official would need to testify to that. The Clerk stated, after checking the City's database, no permit was applied for or issued in compliance with the order and there is still an outstanding administrative cost of \$9.16 due from the previous order. Magistrate Popp ordered a status hearing for April 2025, the Respondent secure the pool screening, address the accumulating water on top of the pool and update administrative costs with new amount of \$125.45. The Clerk advised once the order is received, she will provide the order to the Respondent with instructions on how to pay.

## **9. Other Business**

### **a. Discussion regarding Special Magistrate processes.**

Discussion regarding the current Special Magistrate processes ensued and included requirements for recording orders, permission to foreclose, hearing packet documents, process for recovering unpaid administrative costs, repeat offender definition, process for requesting a continuance, process when Respondent cures violation prior to hearing, certificate of compliance, process for mailings, certificate of service, affidavit of service, affidavit of posting, findings of fact orders, posting agendas, timeframe for sending hearing packets, timeframe for sending notices, options for notices per state statute, witness subpoenas, flowchart for code enforcement processes, courtesy notices, documenting violations, mass courtesy notices, stop work orders, signage and sign permitting, fence permitting and inspections, erosion control processes, code enforcement authority and limitations to enter properties, natural vegetation definition, Beverly Beach Code Enforcement, code enforcement case management, flag regulations, FDOT dune regulations and potential Citizen's Academy for the Special Magistrate or utilizing existing City of Flagler Beach's Citizen's Academy.

The Clerk reported one new code enforcement case for the March 2025 hearing and no parking citation appeals.

## **11. Adjournment**

Magistrate Popp adjourned the hearing at 5:01pm.