



SPECIAL MAGISTRATE HEARING AGENDA

Wednesday, March 26, 2025 at 3:00 PM

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

ALL MEETING ITEMS WILL BE CONTINUED UNTIL MEETING IS COMPLETE.

1. **Call the meeting to order**
2. **Roll Call**
3. **Approval of Meeting Minutes**
 - a. February 26, 2025
4. **Deletions and changes to the agenda**
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

8. **Status Updates - Code Enforcement:** None
9. **Other Business**
10. **Adjournment**

RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript. The City is not responsible for any mechanical failure of the recording equipment. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at (386) 517-2000 ext 233 at least 72 hours prior to the meeting. The City Commission reserves the right to request that all written material be on file with the City Clerk when the agenda item is submitted.



SPECIAL MAGISTRATE HEARING MINUTES

Wednesday, February 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 3:00pm.

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.



Special Magistrate Hearing

Code Enforcement

March 26, 2025

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

- Attachments: Notice of Violation – 9/23/2024
Certified Mailing
Notice of Violation – 12/10/2024
Certified Mailing
Notice of Hearing – 2/10/2025
Certified Mailing
Mailing Costs to Date

Total Cost of Mailings \$27.24

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE
OF THE CITY OF FLAGLER BEACH, FLORIDA

Section 7, Item a.

MCGREW JOY MASSIE & THOMAS LEBO MASSIE
1724 S FLAGLER AVE
FLAGLER BEACH, FL 32136

CITY OF FLAGLER BEACH,)
FLORIDA, a municipal corporation,)
)
Petitioner,)
vs.)
MCGREW JOY MASSIE &)
THOMAS LEBO MASSIE,)
owner,)
)
Respondent.)
_____)

CASE NO: EEN24-0045

NOTICE OF VIOLATION

Premises: 1724 S. FLAGLER AVENUE, FLAGLER BEACH, FL 32136

YOU ARE NOTIFIED that violations of Section 2.05.04.01 Residential uses. (1) Generally. All fences and all walls shall be constructed in compliance with applicable building codes and in accordance with the dimensional and use regulations in this section. (3) Location and height.(a) Location: All fences and all walls shall be located so that all portions of the structures, above or below grade, are inside the property line (3)Rear yard—No fence, wall, except a retaining wall shall exceed six (6) feet in height along the rear perimeter lot line exist on the premises located at 1724 S Flagler Avenue, Flagler Beach, FL 32136. The premises are more particularly described as follows:

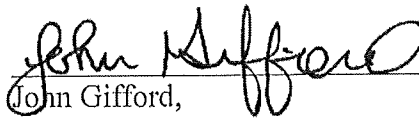
Legal Description: FUQUAY SUB DIV BLK 14 LOTS 5-6-8-7 & 1.00 AC BK 47/255 WEST OF BLK 14 LOTS 5 - 9 OR 488/1138-1139 DC & ACM OR 580/675 OR 651/1143 OR 983/709-DC OR 1023/858 OR 1230/930 OR 1392/1997-CD OR 2096/83-85-AMC & DC and has Tax Parcel ID# 18-12-32-2750-00140-0050

The condition giving rise to the violation is described as follows:

Non-permitted fence. The height for the front fence is too high.

You must correct the violations by no later than 5:00 p.m. on the 23rd day October, 2024. If the violation is not cured by the time stated above, a hearing will be scheduled before the City's Code Enforcement Special Magistrate. Should you be found in violation at the hearing, the Code Enforcement Special Magistrate has the power, by law, to levy fines of up to \$250.00 per day against your real and personal property for every day the violation continues beyond the date set by the Special Magistrate for compliance. If the violation is corrected and then recurs, this case shall be presented to the Code Enforcement Special Magistrate at the above-stated hearing even if the violation has been corrected prior to the hearing. To clear up this matter please notify this office as soon as the violation is in compliance by calling 386-517-2000 Extension 249.

DATED September 23, 2024


John Gifford,
Code Enforcement Officer

I hereby certify that a copy of the foregoing was delivered by Certified Mail™ # 9214 8901 9403 8379 0124 15
September 23, 2024

DATE PRODUCED: 10/24/2024 2:39 AM

CITY OF FLAGLER BEACH:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8379 0124 15

Our records indicate that this item was RETURNED TO SENDER.

ORIGINAL INTENDED RECIPIENT:

MCGREW JOY MASSIE & THOMAS LEBO MASSIE

1724 S FLAGLER AVE

FLAGLER BEACH, FL 32136

The above information represents information provided by the United States Postal Service.

Return Reference Number:



Mailer: City of Flagler Beach

Date Produced: 10/24/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8379 0124 15. Our records indicate that this item was delivered on 10/23/2024 at 01:07 p.m. in FLAGLER BEACH, FL 32136. The scanned image of the recipient information is provided below.

Signature of Recipient :

KE Seale
Kate Seale

Address of Recipient :

70

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

MCGREW JOY MASSIE & THOMAS LEBOW MASSIE
1724 S FLAGLER AVE
FLAGLER BEACH, FL 32136

Customer Reference Number: C5326866.32163407

Return Reference Number EEN24-0045 NOTICE OF VIOLATION

Return address:

CITY OF FLAGLER BEACH
105 S 2ND ST
FLAGLER BEACH FL 32136

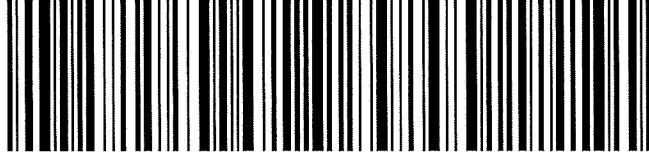


Recipient address:

MCGREW JOY MASSIE & THOMAS LEBO MASSIE
1724 S FLAGLER AVE
FLAGLER BEACH, FL 32136

MAILING DATE: 09/23/2024
DELIVERY DATE: 10/23/2024

USPS CERTIFIED MAIL



9214 8901 9403 8379 0124 15

USPS Tracking Label Number: 9214 8901 9403 8379 0124 15

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	09/23/2024 10:22
SHIPMENT RECEIVED ACCEPTANCE PENDING	FLAGLER BEACH,FL 32136	09/23/2024 15:36
NO AUTHORIZED RECIPIENT AVAILABLE	FLAGLER BEACH,FL 32136	09/24/2024 11:49
REMINDER TO SCHEDULE REDELIVERY	FLAGLER BEACH,FL 32136	09/29/2024 03:04
PACKAGE RETURN NOTICE GENERATED	FLAGLER BEACH,FL 32136	10/09/2024 03:01
UNCLAIMED/BEING RETURNED TO SENDER	FLAGLER BEACH,FL 32136	10/16/2024 13:46
PROCESSED THROUGH USPS FACILITY	MIAMI FL DISTRIBUTION CENTER 33152	10/20/2024 09:21
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	10/22/2024 12:17
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	10/23/2024 01:16
AVAILABLE FOR PICKUP	FLAGLER BEACH,FL 32136	10/23/2024 10:30
RETURN TO SENDER INDIVIDUAL PICKED UP AT PO	FLAGLER BEACH,FL 32136	10/23/2024 13:07

CUSTOM 1:

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE
OF THE CITY OF FLAGLER BEACH, FLORIDA

Section 7, Item a.

MCGREW JOY MASSIE & THOMAS LEBO MASSIE
1724 S FLAGLER AVE
FLAGLER BEACH, FL 32136

CITY OF FLAGLER BEACH,)
FLORIDA, a municipal corporation,)
)
Petitioner,)
vs.)
MCGREW JOY MASSIE &)
THOMAS LEBO MASSIE,)
OWNER,)
)
Respondent.)
_____)

CASE NO: EEN24-0045

NOTICE OF VIOLATION

Premises: 1724 S. FLAGLER AVENUE. FLAGLER BEACH, FL 32136

YOU ARE NOTIFIED that violations of **City of Flagler Beach Ordinance Section 2.05.04.01 Residential uses.**
(1) Generally. All fences and all walls shall be constructed in compliance with applicable building codes and in accordance with the dimensional and use regulations in this section and Section 2.05.04.01 Residential uses. (3) Location and height. (a) Location: All fences and all walls shall be located so that all portions of the structures, above or below grade, are inside the property line. (1) Front yard—No fence, hedge, wall, or retaining wall located within the required front yard shall exceed four (4) feet in height **exist on the premises located at 1724 S DAYTONA AVENUE, FLAGLER BEACH, FL 32136.** The premises are more particularly described as follows:

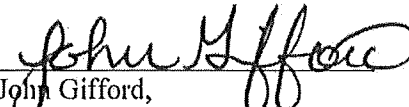
Legal Description: FUQUAY SUB DIV BLK 14 LOTS 5-6-8-7 & 1.00 AC BK 47/255 WEST OF BLK 14 LOTS 5 - 9 OR 488/1138-1139 DC & ACM OR 580/675 OR 651/1143 OR 983/709-DC OR 1023/858 OR 1230/930 OR 1392/1997-CD OR 2096/83-85-AMC & DC and has Tax Parcel ID# 18-12-32-2750-00140-0050.

The condition giving rise to the violation is described as follows:

Non-permitted fence. The height of the front fence is too high.

You must correct the violations by no later than 5:00 p.m. on the 17th day January 2025. If the violation is not cured by the time stated above, a hearing will be scheduled before the City's Code Enforcement Special Magistrate. Should you be found in violation at the hearing, the Code Enforcement Special Magistrate has the power, by law, to levy fines of up to \$250.00 per day against your real and personal property for every day the violation continues beyond the date set by the Special Magistrate for compliance. If the violation is corrected and then recurs, this case shall be presented to the Code Enforcement Special Magistrate at the above-stated hearing even if the violation has been corrected prior to the hearing. To clear up this matter please notify this office as soon as the violation is in compliance by calling 386-517-2000 Extension 249.

DATED December 10, 2024


John Gifford,
Code Enforcement Officer

I hereby certify that a copy of the foregoing was delivered by Certified Mail™ # 9214 8901 9403 8391 0303 12

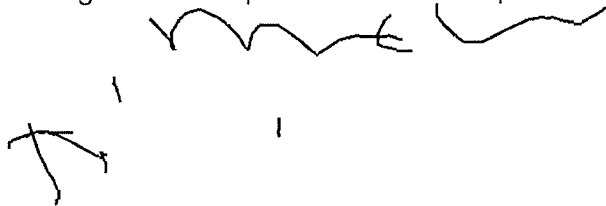
Mailer: City of Flagler Beach

Date Produced: 12/12/2024

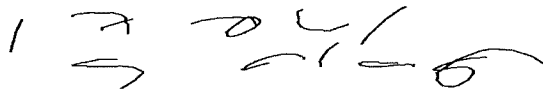
ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8391 0303 12. Our records indicate that this item was delivered on 12/11/2024 at 02:03 p.m. in FLAGLER BEACH, FL 32136. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

MCGREW JOY MASSIE & THOMAS LEBO MASSIE
1724 S FLAGLER AVE
FLAGLER BEACH, FL 32136

Customer Reference Number: C5508619.33373639

Return Reference Number EEN24-0045 NOTICE OF VIOLATION (2)



Return address:

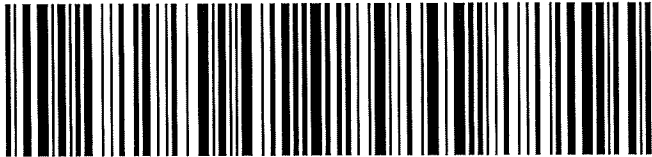
CITY OF FLAGLER BEACH
105 S 2ND ST
FLAGLER BEACH FL 32136

Recipient address:

MCGREW JOY MASSIE & THOMAS LEBO MASSIE
1724 S FLAGLER AVE
FLAGLER BEACH, FL 32136

MAILING DATE: 12/10/2024
DELIVERY DATE: 12/11/2024

USPS CERTIFIED MAIL



9214 8901 9403 8391 0303 12

USPS Tracking Label Number: 9214 8901 9403 8391 0303 12

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	12/10/2024 08:09
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	12/10/2024 14:32
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	12/10/2024 17:09
DELIVERED LEFT WITH INDIVIDUAL	FLAGLER BEACH,FL 32136	12/11/2024 14:03

CUSTOM 1:

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE
OF THE CITY OF FLAGLER BEACH, FLORIDA

Section 7, Item a.

MCGREW STEVE R & JOY MASSIE
1724 S FLAGLER AVE
FLAGLER BEACH, FL 32136

CITY OF FLAGLER BEACH,)
FLORIDA, a municipal corporation,)
)
Petitioner,)
vs.)
MCGREW STEVE R &)
JOY MASSIE, owner,)
)
Respondent.)

CASE NO: EEN24-0045

NON COMPLIANCE - NOTICE OF HEARING

Premises: 1724 S FLAGLER AVENUE, FLAGLER BEACH, FL 32136

Pursuant to Chapter 162, *Florida Statutes*, the Code Enforcement Special Magistrate was created in Chapter 2, Article IV, Division 2, Sections 2-71 through 2-83, *City of Flagler Beach Code of Ordinances*, to hear Code Enforcement matters. The Special Magistrate shall conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring violations of any City Code into compliance, including imposing fines and other noncriminal penalties to enforce the *Code of Ordinances*.

YOU ARE HEREBY FORMALLY NOTIFIED that on **Wednesday, March 26, 2025 at 3:00 PM**, there will be a HEARING before the Special Magistrate in the City Commission Chambers, 105 2nd Street South, Flagler Beach, Florida, concerning your failure to comply with the Code Enforcement Officer's notice of violation dated **December 10, 2024**, and consideration of imposition of fines for such non-compliance. Your failure to appear may result in the Special Magistrate proceeding in your absence and an Order being entered against you.

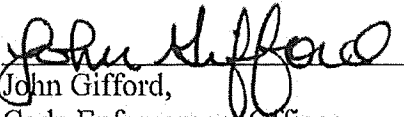
YOU ARE HEREBY NOTIFIED to appear before the Special Magistrate on the above date to answer these charges and to present your side of the case.

Should you be found in violation of the Code of Ordinances at the hearing, the Code Enforcement Special Magistrate has the power, by law, to levy fines of up to \$250.00 per day against your real and personal property for every day the violation continues beyond the date set by the Special Magistrate for compliance. If the violation is corrected and then recurs, this case shall be presented to the Code Enforcement Special Magistrate at the above-stated hearing even if the violation has been corrected prior to the hearing.

Should you desire, you have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. You also have the right to present witnesses, as well as question the witnesses testifying against you at this hearing. Please be prepared to present evidence at the hearing concerning the amount of time necessary to correct the alleged violation, should you be found in violation of the *Code of Ordinances*.

If you wish to have any witnesses subpoenaed, or have any other questions, please contact the office of Code Enforcement Officer within five (5) days, at 800 S. Daytona Ave, Flagler Beach, Florida 32136, (386) 517-2000 ext 249 or 247.

DATED: February 10, 2025


John Gifford,
Code Enforcement Officer

I hereby certify that a copy of the foregoing was delivered by regular and certified mail #9214 8901 9403 8300 2976 14 February 10, 2025.

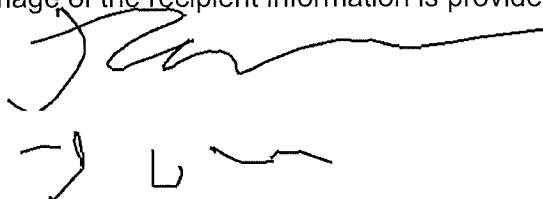
Mailer: City of Flagler Beach

Date Produced: 02/13/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8300 2976 14. Our records indicate that this item was delivered on 02/12/2025 at 12:27 p.m. in FLAGLER BEACH, FL 32136. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

MCGREW JOY MASSIE & THOMAS LEBO MASSIE
1724 S FLAGLER AVE
FLAGLER BEACH, FL 32136

Customer Reference Number: C5647491.34278444

Return Reference Number EEN24-0045 NOTICE OF HEARING

Return address:

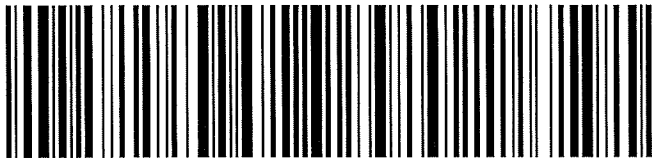
CITY OF FLAGLER BEACH
105 S 2ND ST
FLAGLER BEACH FL 32136

Recipient address:

MCGREW JOY MASSIE & THOMAS LEO MASSIE
1724 S FLAGLER AVE
FLAGLER BEACH, FL 32136

MAILING DATE: 02/10/2025
DELIVERY DATE: 02/12/2025

USPS CERTIFIED MAIL



9214 8901 9403 8300 2976 14

USPS Tracking Label Number: 9214 8901 9403 8300 2976 14

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	02/10/2025 13:36
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	02/10/2025 16:05
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	02/10/2025 17:08
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	02/11/2025 00:59
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	02/11/2025 21:41
DELIVERED LEFT WITH INDIVIDUAL	FLAGLER BEACH,FL 32136	02/12/2025 12:27

CUSTOM 1:

City of Flagler Beach Code Enforcement

Case #: EEN24-0045
Respondent: MCGREW JOY MASSIE & THOMAS LEBO MASSIE
Property Address: 1724 S FLAGLER AVENUE, FLAGLER BEACH, FL 32136
Mailing Address:
Other Address:

Notice Type	Date	Regular			Certified			Total Mailing Cost
		Mail Pieces	Mail Cost Per Piece	Total	Mail Pieces	Mail Cost Per Piece	Total	
COURTESY	7/8/2024	1	\$0.69	\$0.69	0	\$8.16	\$0.00	\$0.69
VIOLATION	9/23/2024	1	\$0.69	\$0.69	1	\$8.16	\$8.16	\$8.85
VIOLATION	12/10/2024	1	\$0.69	\$0.69	1	\$8.16	\$8.16	\$8.85
HEARING	2/10/2025	1	\$0.69	\$0.69	1	\$8.16	\$8.16	\$8.85
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00
			\$0.69	\$0.00		\$8.16	\$0.00	\$0.00

Total Cost To Date	\$27.24
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