

SPECIAL MAGISTRATE HEARING AGENDA

Wednesday, May 22, 2024 at 4:57 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. April 24, 2024
- 4. Deletions and changes to the agenda
- 5. Request To Identify Persons Having Cases on The Agenda
- 6. Parking Citation Appeals
 - a. Citation No. P00806FB; APPELLANT: Cynthia Popiel *via telephonic appearance*; POLICE OFFICER: Sergeant D. Blank #7043
 - b. Citation No. 2400; APPELLANT: Margaret Wood; POLICE OFFICER: Chief M. Doughney #7066
 - c. Citation No. 3188; APPELLANT: Martha Hinman; POLICE OFFICER: Chief M. Doughney #7066
 - d. Citation No. 3190; APPELLANT: Kylle Baker; POLICE OFFICER: Chief M. Doughney #7066
 - e. Citation No. 1510; APPELLANT: John Davis; POLICE OFFICER: Sergeant A. Yelvington #7064
 - f. Citation No. P00811FB; APPELLANT: Daniel Bach; POLICE OFFICER: Officer M. Snyder #7086
- 7. New Cases Code Enforcement: NONE
- 8. Status Updates Code Enforcement
 - Case # EEN24-0024; Thomas T & Monzell Turner; ADDRESS OF VIOLATION: 1816 S Daytona Avenue; TAX PARCEL ID NO. 18-12-32-2750-00270-0050; VIOLATION: 2015 International Property Maintenance Code, Section 303 Swimming Pools, Spas and Hot Tubs: 303.2 Enclosures
- 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, April 24, 2024 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

Meeting called to order by Magistrate Popp at 2:59pm

2. Roll Call

Drew Smith, City Attorney, Michele Ficocello, Clerk to Magistrate, John Gifford, Code Enforcement, Matt Doughney, Chief of Police

3. Approval of Meeting Minutes

a. March 27, 2024

Approved

4. Request To Identify Persons Having Cases on The Agenda

5. Parking Citation Appeals

a. Citation No. 2375; APPELLANT: Maria McGovern; POLICE OFFICER: Chief M. Doughney #7066

Corrected citation number 2380. Appellant was present and sworn by the Clerk. Chief Doughney was present and sworn in by the Clerk. Appellant stated name, Maria McGovern and address, 29 Wendlin Lane, Palm Coast, FL, for the record. Citation was issued for parking on a sidewalk. Appellant testified to being a driver for many years and thought she had parked legally, not realizing she had parked on the sidewalk. Appellant stated another driver was present at the time and also received a citation. Appellant stated she did go to the police department after receiving the citation to explain her side and the concerns over the limited parking in Flagler Beach. Appellant also stated the fine is much higher than other municipalities. Magistrate Popp agreed parking in the City is a challenge, but is does not negate the legality of parking improperly. Magistrate Popp explained the fines are set by the City Commission and the fines are set higher to assist with compliance. Chief Doughney testified parking in the City is a quality of life issue and as the Chief, he does go out and write citations. He observed two vehicles parked on the sidewalk and also in the road and both are considered violations. Chief Doughney explained he only wrote one citation each for both vehicles for parking on the sidewalk. City Attorney inquired what is the threshold for writing a citation for parking on the sidewalk. Chief Doughney explained in looking at the pictures that were submitted, could a person in a wheel chair be able to pass safely and it was determined in this case the sidewalk was obstructed and could not be utilized. Magistrate Popp emphasized the point of obstructing the sidewalk and the safety concerns associated with that. Magistrate Popp inquired as to the City's position of a reduced fine and community education. City Attorney agreed with request of Magistrate. Magistrate Popp gave Appellant the option to pay original fine or fifty percent reduced fine and community education. Appellant agreed to reduced fine and community education. Magistrate Popp ordered Appellant to pay reduced fine of \$50.00 and education of ten (10) drivers on safety issues of parking on the sidewalk. Appellant is ordered to submit completed community education form to the Clerk within sixty (60) days.

b. Citation No. P00734FB; APPELLANT: Keith Hopper; POLICE OFFICER: Sergeant J. Bingham #7058

Appellant was present and sworn in by the Clerk. Sgt. Bingham was not present, but submitted an Affidavit in Support of Citation along with photographic evidence. Appellant stated name, Keith B. Hopper, and address, 3600 S Ocean Shore Blvd # 512, Flagler Beach, FL 32136, for the record. Citation was issued for parking in the wrong direction. Appellant quoted the City's mission statement, reading it from the wall. Appellant testified the parking rules in the City are not clear due to several concerns to include, cost of fine, construction, events, signage, layout of streets. Magistrate Popp inquired if the Appellant knew what violations occur when you park in the wrong direction and explained the safety concerns associated with wrong direction parking including moving violations. Appellant testified he was unable to tell if the road he parked on was a one way street. Magistrate Popp and Appellant engaged in discourse regarding citation. City Attorney inquired if Appellant had observed the direction of traffic being that Appellant had stated he was eating lunch within eyesight of his parked vehicle. Appellant responded he did not. Appellant stated he took pictures on other days of the same area and did not see those vehicles being cited for illegal parking and requested the City be consistent in their issuance of parking citations. Magistrate Popp and the City Attorney clarified the Appellant was not the only citation appeal on the agenda. Magistrate Popp stated he would add another \$100.00 fine onto his order if the Appellant continued to be argumentative and show no appreciation of the violation committed. Appellant continued to argue the point of the City needing to be consistent with the issuance of parking tickets and would take this matter to a higher court if needed. Magistrate Popp offered Appellant the option for a reduced fine and community education. Appellant declined and continued to state he would pay \$300.00 and take this matter to a higher court. City Attorney stated the Appellant just waived his objection and in turn waived what he would be taking to a higher court. Appellant stated he would pay the fine. Magistrate Popp gave Appellant one more chance to have a reduced fine and community education. Appellant again declined. Magistrate Popp ordered original fine paid plus \$100.00 administrative cost. Appellant continued to argue his case as he exited the room.

- c. Citation No. P00730FB; APPELLANT: Margaret Harding; POLICE OFFICER: Officer K. Jones #7069
 - Appellant was present and sworn in by the Clerk. Ofc. Jones was not present, but submitted an Affidavit in Support of Citation along with photographic evidence. Appellant stated name, Margaret Harding, and address, 2143 S. Central Avenue, Flagler Beach, for the record. Citation was written for parking on the sidewalk. Magistrate Popp acknowledge the Appellants medical condition at the time the citation was issued after reviewing what was submitted by the Appellant. Appellant testified she was not the driver that day due to her medical condition and thought where they parked was legal. Magistrate Popp inquired of the City Attorney about pavers and what is designated as parking. City Attorney clarified there is some confusion with the pavers as the red brick pavers are on the sidewalks and are not for parking. The crosshatch pervious pavers along the roadway are designated for parking. Magistrate Popp stated taking into consideration the Appellant's demeanor and recognition of the violation, he would be inclined to order community education. The City Attorney agreed based on all the circumstances. Magistrate Popp ordered Appellant to educate ten (10) drivers about parking on the sidewalk and gave sixty (60) days to return the completed community education form to the Clerk.
- d. Citation No. 1103; APPELLANT: Johnathan Watson; POLICE OFFICER: Officer M. Snyder #7086
 - Appellant was present and sworn in by the Clerk. Ofc. Snyder was not present, but submitted an Affidavit in Support of Citation along with photographic evidence. Appellant stated name, Johnathan Brock Watson and address, 108 Valentine Point Road, Irmo, SC 29063, for the record. Appellant stated he now resides in Flagler Beach. Citation was issued for parking on the sidewalk. Appellant testified when he initially parked he had no knowledge that he parked on the sidewalk as there were cars in front and behind him. Appellant stated he parallel parked in between the parked cars. Appellant stated he did not realize until after he came back to his car and the other cars had left that he had parked on the sidewalk. Appellant admits he committed the violation due to lack of recognition.

Magistrate Popp inquired as to the City's disposition. The City Attorney stated considering dir the circumstances and lack of intent the City would accept an alternative remedy. Magistrate Popp ordered beach cleanup and ninety (90) days to complete. Appellant is ordered to return completed community service form the Clerk.

6. New Cases - Code Enforcement

- a. Case # **EEN24-0012**; Bernie & Elizabeth Joerger; ADDRESS OF VIOLATION: 916 N Ocean Shore Blvd; TAX PARCEL ID NO. 01-12-31-1100-00170-0160; VIOLATION: City of Flagler Beach Code of Ordinances Chapter 6, Beaches and Recreation Sec. 6-9 (a) (b) (c)
 - Respondent was present and sworn in by the Clerk. Code Enforcement Officer John Gifford was sworn in by the Clerk. Respondent stated names, Bernie & Elizabeth Joerger and address, 345 N 11th Street, Flagler Beach, for the record. Mr. Gifford testified a mutual friend of the Respondent inquired with him regarding the dunes and allowing them to clean up the area i.e. cutting a path to the dune walkover. Mr. Gifford stated the mutual friend conveyed Mr. Joeger wanted to beautify the area in front of the dune walkover which is part of Respondent's property. Mr. Gifford explained to the mutual friend he could mow a strip of grass in front of the dune walk over steps for access, but by the time it got back to the Respondent he was told he could mow the entire area in front of the dune walkover. Respondent clarified the area was trimmed with a weed eater, it was not mowed. Magistrate asked for clarification on what exactly is the issue. Mr. Gifford explained it is strictly the trimming of the vegetation. Mr. Gifford explained part of the vegetation was trimmed in the FDOT right of way and FDOT was contacted. FDOT's response was the vegetation is growing back and a non issue. Mr. Gifford testified there had been many complaints funneled through the City from various Staff and Elected Officials. Magistrate Popp inquired if the vegetation is growing back, is this violation self curing. Mr. Gifford agreed it was self curing and close to being back to its original state. Respondent agreed there was a miscommunication and his intent was only to cleanup the area. Magistrate Popp expressed the importance of protecting and preserving the dune vegetation system. City Attorney clarified when this case first came to Code Enforcement damage to the vegetation may have been irreparable, but as of today it appears to be self curing. Magistrate Popp ordered this case closed.
- b. Case # **EEN24-0024**; Thomas T & Monzell Turner; ADDRESS OF VIOLATION: 1816 S Daytona Avenue; TAX PARCEL ID NO. 18-12-32-2750-00270-0050; VIOLATION: 2015 International Property Maintenance Code, Section 303 Swimming Pools, Spas and Hot Tubs: 303.2 Enclosures
 - Respondent was not present. Code Enforcement reported on case to include photographs and timeline of case for pool not being properly secured. Mr. Gifford testified the temporary fencing in place at the property is not sufficient per the Chief Building Official. Mr. Gifford clarified for the Magistrate he has not been able to get a response or compliance from the Respondent since the case began. Mr. Gifford stated he hand delivered the notice of violation and the notice of hearing as the mail has been returned. Magistrate Popp expressed his concerns for the public especially children around an unsecured pool as well as the Respondent's unresponsiveness. The Clerk was able to obtain a mailing address for the owner, but no notices have been sent to that address as of this hearing. City Attorney expressed the need to contact the actual property owner and not the family currently living in the home now. Mr. Smith continued, the construction fencing mitigates the situation a little, but a permanent solution needs to be in place. Magistrate Popp proposed giving Respondent two (2) weeks to apply for a building permit and 30 days to have the work completed. City Attorney agreed. Mr. Gifford is in contact with the contractor doing work next-door. City Attorney will draft an order to be send out. The Clerk will send the order to the property owner's new mailing address. Magistrate Popp asked all the previous orders and notice be attached to the order. Magistrate Popp ordered if there is no compliance with the details outlined, a fine of two \$250.00 a day will be imposed retroactively to this hearing date. Respondent is also ordered to pay administrative costs of \$24.00. A status hearing is ordered for the May 2024 hearing date.

Section 3, Item a.

- c. Case # **EEN24-0027**; Goodwin Fred & Cheryl H&W; ADDRESS OF VIOLATION: 904 S Daytona Avenue; TAX PARCEL ID NO. 12-12-31-4500-00540-0020; VIOLATION: City of Flagler Beach Code of Ordinances Section 105 Permits [A] 105.1 Required
 - Item pulled from agenda. Code Enforcement reported violation cured.
- d. Case # EEN24-0030; Olsen Pamela M; ADDRESS OF VIOLATION: 2080 N Ocean Shore Blvd; TAX PARCEL ID NO. 36-11-31-5630-00040-0080; VIOLATION: Florida Building Code 8th Addition (2023), SECTION 1015 GUARDS, 1015.1 General
 - Item pulled from agenda. Code Enforcement reported violation cured.
- 7. Status Updates Code Enforcement: NONE
- 8. Other Business

Code Enforcement reported no new cases as of this date. The Clerk reported four (4) new parking citation appeals on the agenda as of this date.

9. Adjournment - 4:12pm



Special Magistrate Hearing

APPEAL OF PARKING CITATION

May 22, 2024

Citation Number: P00806FB

Appellant: Cynthia Popiel *via telephonic appearance*

Police Officer: Sergeant D. Blank #7043

Attachments: Notice of Hearing

Hearing Request to Contest Local Parking Citation Form

Out-of-State Driver's License

Parking Violation Certified Mailing



City of Flagler Beach

Building & Zoning Department P.O. Box 70 * 800 South Daytona Avenue Flagler Beach Fl 32136 (386)-517-2000 EXT. 231

IN RE: APPEAL OF

PARKING CITATION NO. P00806FB

CYNTHIA POPIEL 904 CURTIS AVENUE PT. PLEASANT, NJ 08742

Appellant.	
v.	
CITY OF FLAGLER BEACH,	
Appellee.	

NOTICE OF HEARING

TO: CYNTHIA POPIEL **VIA TELEPHONIC APPEARANCE**

YOU ARE HEREBY NOTIFIED that a hearing on the above-styled appeal shall be conducted before the Code Enforcement Special Magistrate of the City of Flagler Beach, Florida on **WEDNESDAY**, **MAY 22**, **2024** @ **3:00 P.M**. in City Council Chambers located at City Hall 105 S 2nd Street, Flagler Beach, Florida. The Special Magistrate shall receive testimony and evidence related to the appeal of the parking citation issued by the City of Flagler Beach.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy of this notice has been served via 904 Curtis Avenue, Pt. Pleasant, NJ 08742, 3rd day of May, 2024 regular and certified mail to the Appellant.

Michele C. Ficocello, Clerk to the Special Magistrate

If you intend to be represented by Counsel your attorney is requested to file a Notice of Appearance with the Clerk to the Special Magistrate in person at 800 S Daytona Avenue (City of Flagler Beach Building & Zoning) 32136 or by mail at City of Flagler Beach PO Box 70, Flagler Beach, Fl 32136 at least five (5) days before the hearing date.

Any person who desires to appeal any decision made at this meeting or hearing will need a record of the proceedings and, for this purpose, may need to ensure that a verbatim record of the proceedings is made, which includes testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at (386) 517-2000 at least forty-eight (48) hours in advance of the meeting.

APR - 8 2024

City of Flagler Beach Building Department

CITY OF FLAGLER BEACH HEARING REQUEST TO CONTEST LOCAL PARKING CITATION

Must be submitted within thirty calendar days of the date of citation

Local Hearing Request (must be filled out within 30	days of issuance)
P00806 FB	4524
Citation Number	Date of Citation
Officer. I understand that a hearing will be scheduled I understand that I have the option to reschedule a Local Hearing Officer in writing at least 5 days prior reschedule my hearing and I fail to appear I can be and failure to comply may result in a vehicle reguiolation, I am waiving the right to pay the fine Imposupholds the violation he or she may impose a administrative costs of up to \$100.00 against me. I associated penalties.	earing before the City of Flagler Beach Local Hearing of for next available Local Hearing Officer hearing date. hearing once by notifying the appropriate clerk for the to the scheduled hearing. I understand that if I do not adjudicated guilty where I am responsible for all fines distration stop. I understand that by contesting the sed on the citation and that if the Local Hearing Officer fine of up to \$250.00 and may assess reasonable attest that I fully understand the stipulations and the
Signature Dat	0
goy Curtis Ave. Pt	· Pleasant, NS OR143
Mailing Address:	
AFTER COMPLETING THIS FORM PLEASE ATTACH A Michele Ficocello Customer Service Representative P.O. Box 70, Flagler Beach FL 32136 mficocello@cityofflaglerbeach.com Phone: 386-517-2000, ext. 231	COPY OF CITATION AND RETURN TO: *TELEPHONIC APPEARANCE*
THE LOCAL HEARING OFFICER ON THE NEXT AVAIL BE MAILED TO YOU AT LEAST TEN DAYS PRIOR TO TO THE METERS OF T	REQUEST, A HEARING WILL BE SCHEDULED BEFORE ABLE HEARING DATE. A NOTICE OF HEARING WILL THE SCHEDULED HEARING DATE. IF YOU HAVE ANY OF PONR or Demends The way or Levels Ponk of No Pigns?



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VIOLATOR INSTRUCTIONS

Section 6, Item a.

NOTIFICATION TO INDIVIDUAL CHARGED WITH A PARKING INFRACTION NOT REQUIRING A COURT APPEARANCE

FAILURE TO PAY THIS PARKING TICKET WITHIN 30 DAYS WILL RESULT IN A DELINQUENT FEE OF \$42.82, IN ADDITION TO THE AMOUNT INDICATED ON THE CITATION. FAILURE TO FULLY COMPLY WILL RESULT IN A SUMMONS BEING ISSUED.

INSTRUCTIONS

YOU MUST ELECT ONE OF THE FOLLOWING OPTIONS WITHIN 30 DAYS OF THE DATE OF THIS TICKET.

1. PAYMENT MUST BE MADE IN PERSON TO THE CITY OF FLAGLER BEACH BETWEEN THE HOURS OF 8:30 A.M. AND 5:00 P.M. MON - FRI (HOLIDAYS EXCLUDED), 105 S. SECOND ST., FLAGLER BEACH, FL 32136

2. BY MAIL TO: CITY OF FLAGLER BEACH, P.O. BOX 70, FLAGLER BEACH, FL 32136

3. PAY THE CITATION ONLINE AT WWW.CITYOFFLAGLERBEACH.COM <http://www.cityofflaglerbeach.com> under the online bill pay section

NOTE: YOU MUST ENCLOSE THIS TICKET IF YOU MAIL IN PAYMENT.

PAYMENT SHOULD BE IN THE FORM OF MONEY ORDER, CASH, CARD OR CASHIER'S CHECK. PERSONAL CHECKS ARE ACCEPTED, MAKE CHECKS PAYABLE TO: CITY OF FLAGLER BEACH

THERE WILL BE NO POINTS ASSESSED ON YOUR DRIVER'S LICENSE FOR PARKING VIOLATIONS.

IF YOU ELECT A HEARING AND THE COMMISSION OF AN INFRACTION HAS BEEN PROVEN, A LOCAL HEARING OFFICER MAY IMPOSE A PENALTY NOT TO EXCEED \$250.00.

CONTACT THE CITY POLICE DEPARTMENT FOR INSTRUCTIONS ON HOW TO CONTEST A TICKET, 386-517-2020.

RECEIVED

APR - 9 2024

City of Flagler Beach Building Department

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VIOLATOR SIGNATURE:

MAY 2 0 2024

City of Flagler Beach Building Department



Citation # P00806FB
Photographs (1 of 1) submitted by
Sergeant D. Blank



Mailer: City of Flagler Beach

Date Produced: 05/08/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8360 2397 60. Our records indicate that this item was delivered on 05/07/2024 at 02:11 p.m. in POINT PLEASANT BEACH, NJ 08742. The scanned image of the recipient information is provided below.

Signature of Recipient:

Address of Recipient:

904 CURTIS AVE

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:

CYNTHIA POPIEL 904 CURTIS AVENUE PT. PLEASANT, NJ 08742



Return address:

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

MAILING DATE: 05/03/2024 DELIVERY DATE: 05/07/2024

Recipient address:

CYNTHIA POPIEL 904 CURTIS AVENUE PT. PLEASANT, NJ 08742

USPS CERTIFIED MAIL



9214 8901 9403 8360 2397 60

USPS Tracking Label Number: 9214 8901 9403 8360 2397 60

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	05/03/2024 10:32
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	05/03/2024 12:51
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	05/03/2024 17:01
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	05/03/2024 23:04
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	05/04/2024 11:03
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PROCESSED THROUGH USPS FACILITY	TRENTON NJ DISTRIBUTION CENTER 08650	05/06/2024 01:07
NO AUTHORIZED RECIPIENT AVAILABLE	POINT PLEASANT BEACH,NJ 08742	05/06/2024 12:10
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CUSTOM 1:



Special Magistrate Hearing

APPEAL OF PARKING CITATION

May 22, 2024

Citation Number: 2400

Appellant: Margaret Wood

Police Officer: Chief M. Doughney # 7066

Attachments: Notice of Hearing

Hearing Request to Contest Local Parking Citation Form

Parking Violation

Photographs Submitted by Chief Doughney

Certified Mailing

14



City of Flagler Beach

Building & Zoning Department P.O. Box 70 * 800 South Daytona Avenue Flagler Beach Fl 32136 (386)-517-2000 EXT. 231

IN RE: APPEAL OF

PARKING CITATION NO. 2400

MARGARET WOOD 6 FERNWOOD LANE PALM COAST, FL 32137

Appellant.		
v.		
CITY OF FLAGLER BEACH,		
Appellee.		
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NOTICE OF HEARING

TO: MARGARET WOOD

YOU ARE HEREBY NOTIFIED that a hearing on the above-styled appeal shall be conducted before the Code Enforcement Special Magistrate of the City of Flagler Beach, Florida on **WEDNESDAY**, **MAY 22**, **2024** @ **3:00 P.M**. in City Council Chambers located at City Hall 105 S 2nd Street, Flagler Beach, Florida. The Special Magistrate shall receive testimony and evidence related to the appeal of the parking citation issued by the City of Flagler Beach.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy of this notice has been served via 6 Fernwood Lane, Palm Coast, FL 32137, 3rd day of May, 2024 regular and certified mail to the Appellant.

Michele C. Ficocello, Clerk to the Special Magistrate

If you intend to be represented by Counsel your attorney is requested to file a Notice of Appearance with the Clerk to the Special Magistrate in person at 800 S Daytona Avenue (City of Flagler Beach Building & Zoning) 32136 or by mail at City of Flagler Beach PO Box 70, Flagler Beach, Fl 32136 at least five (5) days before the hearing date.

Any person who desires to appeal any decision made at this meeting or hearing will need a record of the proceedings and, for this purpose, may need to ensure that a verbatim record of the proceedings is made, which includes testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at (386) 517-2000 at least forty-eight (48) hours in advance of the meeting.

CITY OF FLAGLER BEACH HEARING REQUEST TO CONTEST LOCAL PARKING CITATION

Must be submitted within thirty calendar days of the date of citation

Local Hearing Request (must be filled out within 30 days	s of issuance)
2400	3-29-24
Citation Number	Date of Citation
Officer. I understand that a hearing will be scheduled for I understand that I have the option to reschedule a hearing Local Hearing Officer in writing at least 5 days prior to the reschedule my hearing and I fail to appear I can be adjugant failure to comply may result in a vehicle registrational violation, I am waiving the right to pay the fine imposed of upholds the violation he or she may impose a fine administrative costs of up to \$1,00.00 against me, I atterassociated penalties.	ing once by notifying the appropriate clerk for the ne scheduled hearing. I understand that if I do not dicated guilty where I am responsible for all fines ation stop. I understand that by contesting the on the citation and that if the Local Hearing Officer of up to \$250.00 and may assess reasonable ast that I fully understand the stipulations and the
Mush	239-272-6632
Signature Date	Phone #
6 Fernwood. Ln, Palm	-5-24 <u>239-272-6632</u> Phone # n Coast, Fl- 32137
Mailing Address:	
AFTER COMPLETING THIS FORM PLEASE ATTACH A COP	PY OF CITATION AND RETURN TO:

Michele Ficocello

Customer Service Representative P.O. Box 70, Flagler Beach FL 32136 mficocello@cityofflaglerbeach.com

Phone: 386-517-2000, ext. 231

RECEIVED

APR - 8 2024

City of Flagler Beach Building Department

UPON TIMELY SUBMISSION OF A LOCAL HEARING REQUEST, A HEARING WILL BE SCHEDULED BEFORE THE LOCAL HEARING OFFICER ON THE NEXT AVAILABLE HEARING DATE. A NOTICE OF HEARING WILL BE MAILED TO YOU AT LEAST TEN DAYS PRIOR TO THE SCHEDULED HEARING DATE. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT: Michele Ficocello

APR - 8 2024

City of Flagler Beach Building Department

PAI	RKING VIOLATION #	24	Section 6, Item b.		
CIT	Y of Flagler Beach, Florida				
The undersigned certifies that they have just an reasonable grounds to believe the following occurred:					
0	DAY OF WEEK Month Day Year	At PZ	=41 PM		
Loca	ation South 7th & S. El	org	ler		
Tag	#DP-291 State + Expiration	2	124		
Yea	Make Model	olor	then		
Owi	ner	-	1		
Add	NO Record For	UHC	У		
City	State	Zip			
	unlawfully commit the following offense:				
	Wrong Direction Sec 19-23				
	Road right-of-way Sec 19-24				
	Blocking Private Drive Sec 19-25				
	Parked on Sea Dune Sec 19-25				
	Parked on Sidewalk/Crosswalk Sec 19-25				
	Fire Lane Sec 19-25				
	No Parking Zone Sec 19-25				
	15ft of Fire Hydrant Sec 19-23	. ~			
X.	Within 8ft of Intersection Sec 19-25				
	Parking on private lot Sec 19-26				
	Extended Parking (48hrs) Sec 19-27				
	Handicapped Parking Sec 19-28				
	Tractor/Trailer Prohibited Sec 19-29				
	Overnight Public Parking Sec 19-30				
	Other in Violation of:		_, Sec 19-		
			15.45		
	cer/Signature M. Dayhney 70		I.D. No.		
	a non-moving parking violation. No points assessed nse, i	agalnı	st driver's		

Section	6	ltom	h	
Section	υ,	пен	υ.	

Date	
Amount of Fine Paid \$	Costs \$
Late Fee \$	· · · · · · · · ·
COURT ACTION:	
Date	Place
II ID OFF AFEKTS	,
JUDGEMENT: Check Only One	
C) Guilty	
☐ Not Guilty	•
☐ Dismissed	•
☐ Nolle Prosequi	
Olher	
FINE AMOUNT	COURT COSTS
Defendant's Plea Guilty	Not Guilty Nolo Contendre
Defendant's Plea Guilty Presiding Judge	
Presiding Judge	
Presiding JudgeOfficer's Notes and Circumstances	
Presiding Judge Officer's Notes and Circumstances Def PortKed	w/in the
Officer's Notes and Circumstances Def parked Intersection,	w/in the
Presiding Judge Officer's Notes and Circumstances Def PortKed	w/in the
Officer's Notes and Circumstances Def Porked InterSection, of way, @ & Suth Fr	cn the right Swth Flagler h Street.
Officer's Notes and Circumstances Def parked Intersection, of way, @ & South Fr Def my u	w/in the on the right Swth Flagler in Street. 'ew obstruction
Officer's Notes and Circumstances Def Porked InterSection, of way, @ & Suth Fr	cn the right Swth Flagler h Street.
Officer's Notes and Circumstances Def Portked Intersection, Officer's Notes and Circumstances Intersection, Intersection,	con the right South Flagler on Street. 'ew obstruction gleguing
Officer's Notes and Circumstances Def Portked Intersection, Officer's Notes and Circumstances Intersection, Intersection,	con the right South Flagler on Street. 'ew obstruction gleguing
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Officer's Notes and Circumstances Def portked intersection, of way, @ & Scoth Fr Def motor'ste the Library 1	con the right South Flagler on Street. 'ew obstruction gleguing

APR - 8 2024

City of Flagler Beach Building Department



Citation # 2400
Photographs (1 of 1) submitted by
Chief M. Doughney



Mailer: City of Flagler Beach

Date Produced: 05/07/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8360 2403 77. Our records indicate that this item was delivered on 05/06/2024 at 03:00 p.m. in PALM COAST, FL 32137. The scanned image of the recipient information is provided below.

Signature of Recipient:

mwood

Address of Recipient:

1, FREA, wood Can

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:

MARGARET WOOD 6 FERNWOOD LANE PALM COAST, FL 32137

Customer Reference Number:

C4998614.30102447

Return Reference Number

CITATION NO. 2400



Return address:

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

MAILING DATE: 05/03/2024 DELIVERY DATE: 05/06/2024

Recipient address:

MARGARET WOOD 6 FERNWOOD LANE PALM COAST, FL 32137

USPS CERTIFIED MAIL



9214 8901 9403 8360 2403 77

USPS Tracking Label Number: 9214 8901 9403 8360 2403 77

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	05/03/2024 10:32
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	05/03/2024 12:51
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	05/03/2024 17:01
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	05/03/2024 22:40
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	05/04/2024 11:03
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	05/04/2024 19:14
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	05/05/2024 21:57
DELIVERED LEFT WITH INDIVIDUAL	PALM COAST,FL 32137	05/06/2024 15:00

CUSTOM 1:



Special Magistrate Hearing

APPEAL OF PARKING CITATION

May 22, 2024

Citation Number: 3188

Appellant: Martha Hinman

Police Officer: Chief M. Doughney # 7066

Attachments: Notice of Hearing

Hearing Request to Contest Local Parking Citation Form

Parking Violation

Photographs Submitted by Appellant

Photographs Submitted by Chief Doughney

Certified Mailing

22



City of Flagler Beach

Building & Zoning Department P.O. Box 70 * 800 South Daytona Avenue Flagler Beach Fl 32136 (386)-517-2000 EXT. 231

IN RE: APPEAL OF

PARKING CITATION NO. 3188

MARTHA HINMAN 2 LONG LAKE WAY PALM COAST, FL 32137

Appellant.	
v.	
CITY OF FLAGLER BEACH,	
Appellee.	
	/

NOTICE OF HEARING

TO: MARTHA HINMAN

YOU ARE HEREBY NOTIFIED that a hearing on the above-styled appeal shall be conducted before the Code Enforcement Special Magistrate of the City of Flagler Beach, Florida on **WEDNESDAY**, **MAY 22**, **2024** @ **3:00 P.M**. in City Council Chambers located at City Hall 105 S 2nd Street, Flagler Beach, Florida. The Special Magistrate shall receive testimony and evidence related to the appeal of the parking citation issued by the City of Flagler Beach.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy of this notice has been served via 2 Long Lake Way, Palm Coast, FL 32137, 3rd day of May, 2024 regular and certified mail to the Appellant.

Michele C. Ficocello, Clerk to the Special Magistrate

If you intend to be represented by Counsel your attorney is requested to file a Notice of Appearance with the Clerk to the Special Magistrate in person at 800 S Daytona Avenue (City of Flagler Beach Building & Zoning) 32136 or by mail at City of Flagler Beach PO Box 70, Flagler Beach, Fl 32136 at least five (5) days before the hearing date.

Any person who desires to appeal any decision made at this meeting or hearing will need a record of the proceedings and, for this purpose, may need to ensure that a verbatim record of the proceedings is made, which includes testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at (386) 517-2000 at least forty-eight (48) hours in advance of the meeting.

APR 2 9 2024

City of Flagler Beach Building Department

CITY OF FLAGLER BEACH HEARING REQUEST TO CONTEST LOCAL PARKING CITATION

Must be submitted within thirty calendar days of the date of citation

3188	fied out within 30 days of insurance) $\mu-25$	5-24
Citation Number	Date of Otation	
Officer. Lunderstand that a hearin Lunderstand that I have the optic Lucal Hearing Officer in writing at reschedule my hearing and I fail t and failure to comply may resulviolation, Lum wairing the right to upholds the violation he or shi	preby request a hearing before the City ig will be scheduled for next available Loc in to reschedule a hearing once by rotifying least 5 days prior to the scheduled hearing in appear I can be adjudicated guilty whe it in a vehicle registration stop. I unde pay the fine imposed on the citation and it may impose a fine of up to \$250.00 0.000 against me. I attest that I fully unde	al Hearing Officer hearing date, ing the appropriate clerk for the ing. I understand that if I do not re I am responsible for all fines instand that by contesting the that if the Local Hearing Officer 0 and may assess reasonable estand the stipulations and the
marthy Linus	U 4-26-24	386-585-4115 Phone #
	Way - Palm coast,	1

AFTER COMPLETING THIS FORM PLEASE ATTACH A COPY OF CITATION AND RETURN TO:

Michele Ficocello

Customer Service Representative P.O. Box 70, Flagler Beach FL 32136 mficocello@cityofflaglerbeach.com Phone: 386-517-2000, exd. 231

UPON TIMELY SUBMISSION OF A LOCAL HEARING REQUEST, A HEARING WILL BE SCHEDULED BEFORE THE LOCAL HEARING OFFICER ON THE NEXT AVAILABLE HEARING DATE. A NOTICE OF HEARING WILL BE MAILED TO YOU AT LEAST TEN DAYS PRIOR TO THE SCHEDULED HEARING DATE. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT: Mikhele Ficocolio

PARKING VIOLATION # CITY of Flagler Beach, Florida The undersigned certifies that they have just and reasonable grounds to believe the following occurred: AM DAY OF WEEK At PM Location State Tag# Expiration Make Model Color Year. Owner Address State Zφ City Did unlawfully commit the following offense: Wrong Direction Sec 1923 \$100 Road right-of-way Sec 19-24 Blocking Private Drive Scc 19-25 \$60 0 Parked on Sea Dune Sec 19-25 \$150 ☐ Parked on Sidowalk/Crasswalk Sec 19-25 \$100 ☐ Fire Lane Sec 19-25 \$100 No Parking Zone Sec 19-25 \$60 15ft of Fire Hydrant Sec 19-23 \$36 Within 8t of Intersection Sec 19-25 \$60 Parking on private lot. Sec 19-26 \$60

□ Endended Parking (48hrs) Sec 19-27 \$60
□ Handicapped Parking Sec 19-28 \$150
□ Tractor/Trailer Prohibited Sec 19-29 \$60
□ Overnight Public Parking Sec 19-30 \$60

This a non-moving parking violation. No points assessed against driver's license. Fallure to pay as above may result in fine of \$100.00 plus court costs.

Sec 19-

LD. No.

Other in Violation of

Officer/Signature

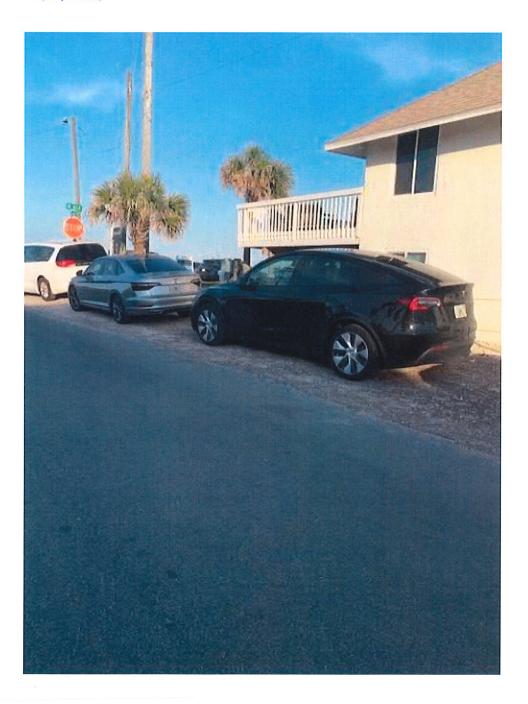
RECEIVED

APR 2 9 2024

City of Flagler Beach
Building Department

MAY - 1 2024

City of Flagler Beach Building Department



CITATION NO. 3188 Photograph Submitted by Appellant (1 of 2)

MAY - 1 2024

City of Flagler Beach Building Department



CITATION NO. 3188
Photograph Submitted by
Appellant (2 of 2)









Return address:

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

Recipient address:

MARTHA HINMAN 2 LONG LAKE WAY PALM COAST, FL 32137

USPS CERTIFIED MAIL



9214 8901 9403 8360 2406 81

USPS Tracking Label Number: 9214 8901 9403 8360 2406 81

USPS Event	Postal Facility	Date/Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	05/03/2024 10:32
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	05/03/2024 12:51
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	05/03/2024 17:01
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	05/03/2024 22:40
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	05/04/2024 11:03
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	05/04/2024 19:14
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	05/05/2024 23:25



Special Magistrate Hearing

APPEAL OF PARKING CITATION

May 22, 2024

Citation Number: 3190

Appellant: Kylle Baker

Police Officer: Chief M. Doughney # 7066

Attachments: Notice of Hearing

Hearing Request to Contest Local Parking Citation Form

Parking Violation

Photographs Submitted by Appellant

Photographs Submitted by Chief Doughney

Certified Mailing

31



City of Flagler Beach

Building & Zoning Department P.O. Box 70 * 800 South Daytona Avenue Flagler Beach Fl 32136 (386)-517-2000 EXT. 231

IN RE: APPEAL OF

PARKING CITATION NO. 3190

KYLLE BAKER 65 WHITEFEATHER LANE FLAGLER BEACH, FL 32136

A	Appellant.		
v.			
CITY OF	FLAGLER BEACH,		
ı	Appellee.		

NOTICE OF HEARING

TO: KYLLE BAKER

YOU ARE HEREBY NOTIFIED that a hearing on the above-styled appeal shall be conducted before the Code Enforcement Special Magistrate of the City of Flagler Beach, Florida on **WEDNESDAY**, **MAY 22**, **2024** @ **3:00 P.M**. in City Council Chambers located at City Hall 105 S 2nd Street, Flagler Beach, Florida. The Special Magistrate shall receive testimony and evidence related to the appeal of the parking citation issued by the City of Flagler Beach.

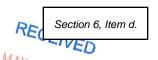
CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy of this notice has been served via 65 Whitefeather Lane, Flagler Beach, FL 32136, 3rd day of May, 2024 regular and certified mail to the Appellant.

Michele C. Ficocello, Clerk to the Special Magistrate

If you intend to be represented by Counsel your attorney is requested to file a Notice of Appearance with the Clerk to the Special Magistrate in person at 800 S Daytona Avenue (City of Flagler Beach Building & Zoning) 32136 or by mail at City of Flagler Beach PO Box 70, Flagler Beach, Fl 32136 at least five (5) days before the hearing date.

Any person who desires to appeal any decision made at this meeting or hearing will need a record of the proceedings and, for this purpose, may need to ensure that a verbatim record of the proceedings is made, which includes testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at (386) 517-2000 at least forty-eight (48) hours in advance of the meeting.



CITY OF FLAGLER BEACH City of Flagler Beach HEARING REQUEST TO CONTEST LOCAL PARKING CITATION Department

Must be submitted within thirty calendar days of the date of citation

Local Hearing Request (must be filled out within 30 days of issuance)

3190	4/26/24
Citation Number	Date of Citation
Officer. I understand that I have the option to reschedule date. I understand that I have the option to reschedule to the Local Hearing Officer in writing at understand that if I do not reschedule my hearing and I am responsible for all fines and failure to comunderstand that by contesting the violation, I am we citation and that if the Local Hearing Officer uphold to \$250.00 and may assess reasonable administration.	ed for next available Local Hearing Officer hearing edule a hearing once by notifying the appropriate least 5 days prior to the scheduled hearing. I and I fail to appear I can be adjudicated guilty where apply may result in a vehicle registration stop. I waiving the right to pay the fine imposed on the ds the violation he or she may impose a fine of up we costs of up to \$100.00 against me. I attest that
Kylle Sahe 5/ Signature Date	12124 386-338-4900 Phone #
65 White Feather Lane, Mailing Address:	Flagter Beach Ha 32136

AFTER COMPLETING THIS FORM PLEASE ATTACH A COPY OF CITATION AND RETURN TO:

Michele Ficocello

Customer Service Representative P.O. Box 70, Flagler Beach FL 32136 mficocello@cityofflaglerbeach.com

Phone: 386-517-2000, ext. 231

MAY - 2 2024

City of Flagler Beach Building Department

PARKING VIOLATION #
CITY of Flagler Beach, Florida
The undersigned certifies that they have just and reasonable grounds to believe the following occurred:
O DAY OF WEEK Month Day Year At 39 PM
Location South 4th Street - 100 Block
Tag# Expiration 2624
Year Make Model Color Sal
Owner Kylle Baker
Address R.G. Box 304
City Cherry Valley State 21p 13320
Did unlawfully commit the following offense:
☐ Wrong Direction Sec 19-23 \$100
☐ Road right-of-way Sec 19-24 \$60
☐ Blocking Private Drive Sec 19-25 \$60
☐ Parked on Sea Dune Sec 19-25 \$150
Parked on Sidewalk/Crosswalk Sec 19-25 \$100
☐ Fire Lane Sec 19-25 \$100
☐ No Parking Zone Sec 19-25 \$60
☐ 15ft of Fire Hydrant Sec 19-23 \$36
☐ Within 8ft of Intersection Sec 19-25 \$60
☐ Parking on private lot Sec 19-26 \$60
☐ Extended Parking (48hrs) Sec 19-27 \$60
☐ Handicapped Parking Sec 19-28 \$150
☐ Tractor/Trailer Prohibited Sec 19-29 \$60
☐ Overnight Public Parking Sec 19-30 \$60
Other in Violation of:, Sec 19-
, I D. Ma
Officer/Signature Dashner/ Fordo
This a non-moving parking violation. No points assessed against driver's license. Failure to pay as above may result in fine of \$100.00 plus court costs.

Section 6, Item d.

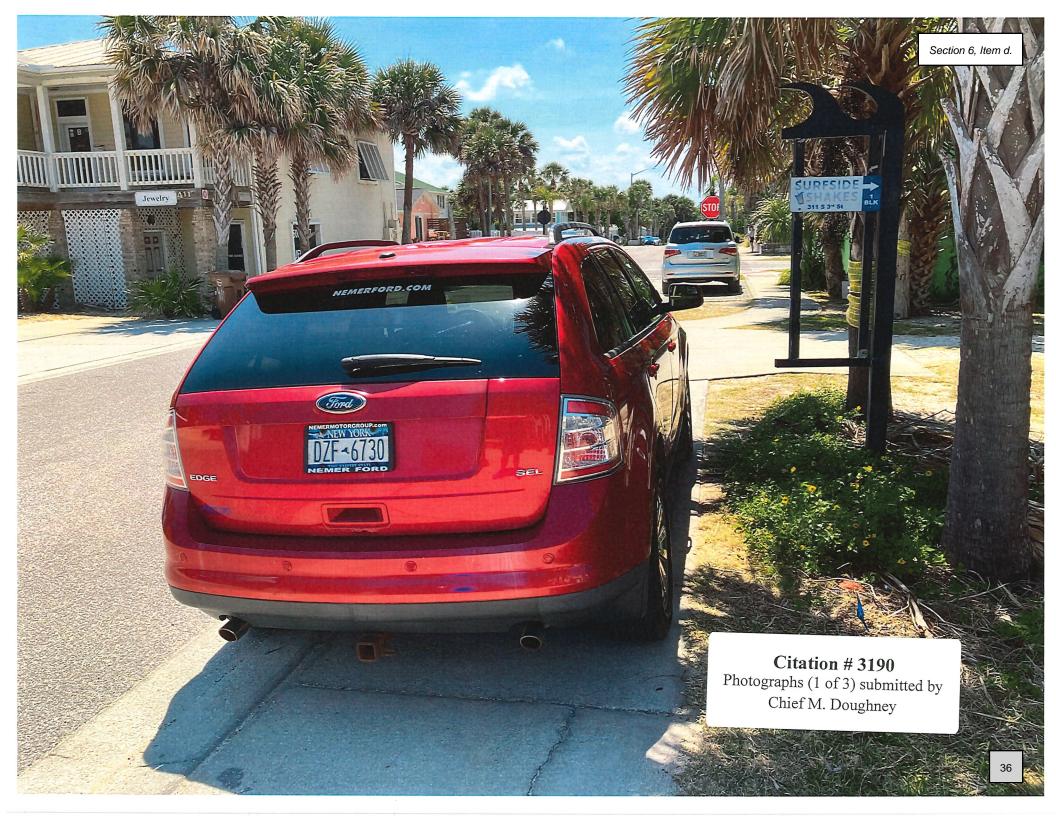


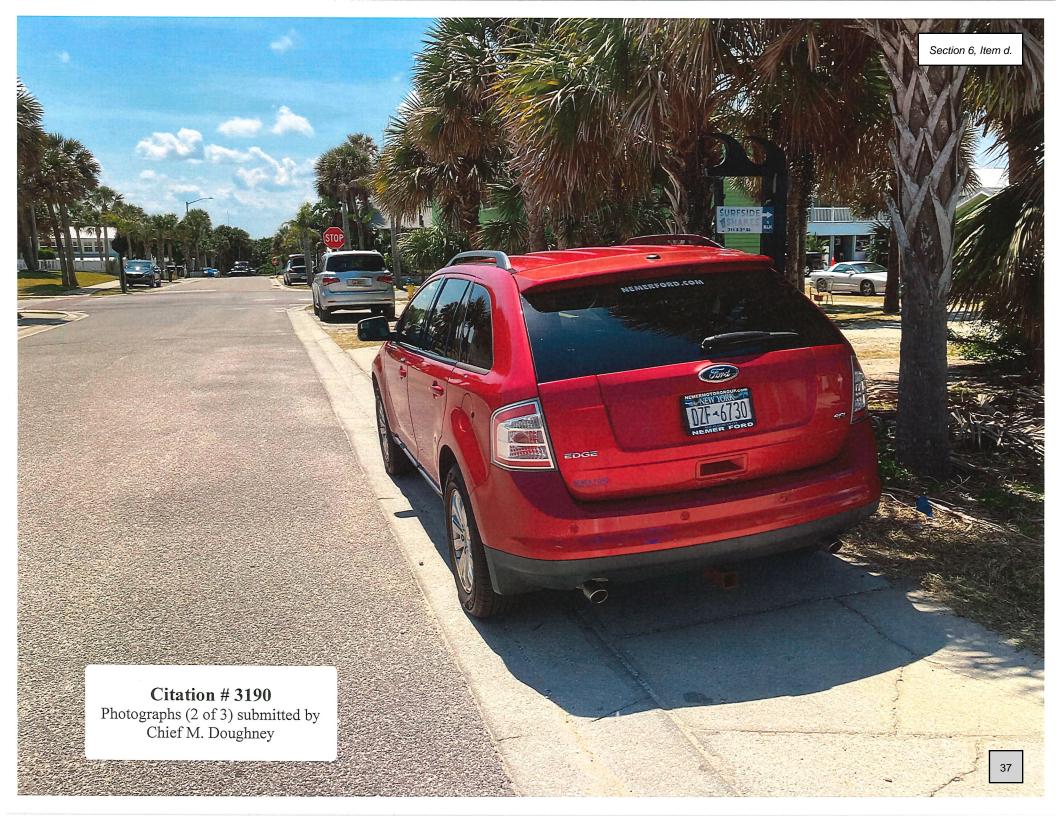
















Mailer: City of Flagler Beach

Date Produced: 05/06/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8360 2408 58. Our records indicate that this item was delivered on 05/04/2024 at 11:31 a.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:

KYLLE BAKER 65 WHITEFEATHER LANE FLAGLER BEACH, FL 32136

Customer Reference Number:

C4998614.30102449

Return Reference Number

CITATION NO. 3190



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

MAILING DATE: 05/03/2024 DELIVERY DATE: 05/04/2024

Recipient address:

KYLLE BAKER 65 WHITEFEATHER LANE FLAGLER BEACH, FL 32136

USPS CERTIFIED MAIL



9214 8901 9403 8360 2408 58

USPS Tracking Label Number: 9214 8901 9403 8360 2408 58

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	05/03/2024 10:32
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	05/03/2024 12:51
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	05/03/2024 17:01
DELIVERED LEFT WITH INDIVIDUAL	FLAGLER BEACH,FL 32136	05/04/2024 11:31

CUSTOM 1:



Special Magistrate Hearing

APPEAL OF PARKING CITATION

May 22, 2024

Citation Number: 1510

Appellant: John Davis

Police Officer: Sergeant A. Yelvington # 7064

Attachments: Notice of Hearing

Hearing Request to Contest Local Parking Citation Form

Parking Violation

Photographs Submitted by Appellant

Certified Mailing

42



City of Flagler Beach

Building & Zoning Department P.O. Box 70 * 800 South Daytona Avenue Flagler Beach Fl 32136 (386)-517-2000 EXT. 231

IN RE: APPEAL OF

PARKING CITATION NO. 1510

JOHN DAVIS 319 MOODY BLVD FLAGLER BEACH, FL 32136

Appellee.	
CITY OF FLAGLER BEACH,	
v.	
Appellant.	

NOTICE OF HEARING

TO: JOHN DAVIS

YOU ARE HEREBY NOTIFIED that a hearing on the above-styled appeal shall be conducted before the Code Enforcement Special Magistrate of the City of Flagler Beach, Florida on **WEDNESDAY**, **MAY 22**, **2024** @ **3:00 P.M**. in City Council Chambers located at City Hall 105 S 2nd Street, Flagler Beach, Florida. The Special Magistrate shall receive testimony and evidence related to the appeal of the parking citation issued by the City of Flagler Beach.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy of this notice has been served via 319 Moody Blvd, Flagler Beach, FL 32136, 3rd day of May, 2024 regular and certified mail to the Appellant.

Michele C. Ficocello, Clerk to the Special Magistrate

If you intend to be represented by Counsel your attorney is requested to file a Notice of Appearance with the Clerk to the Special Magistrate in person at 800 S Daytona Avenue (City of Flagler Beach Building & Zoning) 32136 or by mail at City of Flagler Beach PO Box 70, Flagler Beach, Fl 32136 at least five (5) days before the hearing date.

Any person who desires to appeal any decision made at this meeting or hearing will need a record of the proceedings and, for this purpose, may need to ensure that a verbatim record of the proceedings is made, which includes testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at (386) 517-2000 at least forty-eight (48) hours in advance of the meeting.

APR - 9 2024

CITY OF FLAGLER BEACH City of Flagler Beach Building Department HEARING REQUEST TO CONTEST LOCAL PARKING CITATION

Must be submitted within thirty calendar days of the date of citation

Local Hearing Request (must be filled out within 30 day	ys of issuance)
1510	3/22/29
Citation Number	Date of Citation
Officer. I understand that a hearing will be scheduled for I understand that I have the option to reschedule a hear Local Hearing Officer in writing at least 5 days prior to the reschedule my hearing and I fail to appear I can be adjusted and failure to comply may result in a vehicle registry violation, I am waiving the right to pay the fine imposed upholds the violation he or she may impose a fine administrative costs of up to \$100.00 against me. I attends associated penalties.	r next available Local Hearing Officer hearing date. ring once by notifying the appropriate clerk for the che scheduled hearing. I understand that if I do not udicated guilty where I am responsible for all fines ration stop. I understand that by contesting the on the citation and that if the Local Hearing Officer of up to \$250.00 and may assess reasonable
Signature Date	Phone #
319 Moody Blod	Aphe Bed 32136
Mailing Address:	

AFTER COMPLETING THIS FORM PLEASE ATTACH A COPY OF CITATION AND RETURN TO:

Michele Ficocello

Customer Service Representative P.O. Box 70, Flagler Beach FL 32136 <u>mficocello@cityofflaglerbeach.com</u> Phone: 386-517-2000, ext. 231

UPON TIMELY SUBMISSION OF A LOCAL HEARING REQUEST, A HEARING WILL BE SCHEDULED BEFORE THE LOCAL HEARING OFFICER ON THE NEXT AVAILABLE HEARING DATE. A NOTICE OF HEARING WILL BE MAILED TO YOU AT LEAST TEN DAYS PRIOR TO THE SCHEDULED HEARING DATE. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT: Michele Ficocello

PARKING VIOLATION #	15 1
CITY of Flagler Beach, Florida	《 为外别,
The undersigned certifies that they have just a to believe the following occurred:	n regacinable ground
O DAY OF WEEK Month Day Year	1 1 4 g g g
Location 300 5 2 14 6	$I^{-\frac{\gamma}{2}}$
Tag # PN406H State Expirat	lou
Year Make Model	76
Owner	Consideration of the Constitution of the Const
Address	19.77
City State*	
Did unlawfully commit the following offense:	
The checkers Sec 19-23	
Nead right-of-way Sec 19-24	
Blocking Private Drive Sec 19-25	का 'क्षीर च्या
Parked on Sea Dune Sec 19-25	ALC: No. 6
Parked on Sidewalk/Crosswalk Sec 19-25	Bran
☐ Fire Lane Sec 19-25	がいし し
☐ No Parking Zone Sec 19-25	D
15ft of Fire Hydrant Sec 19-23	
Within 8ft of Intersection Sec 19-25	
Parking on private lot Sec 19-26	
Extended Parking (48hrs) Sec 19-27	age of the second secon
Limited to the second s	Way -
Tighted Parking Sec 19-28	
Tractor/Trailer Prohibited Sec 19-29	
Overnight Public Parking Sec 19-30	
Other in Violation of:	Sec 19-
A	
cer/Signature distribution 7064	ND, No
a non-moving parking violation. No points assessed again	A SELECTION OF THE PARTY OF THE

7064

RECEIVED

APR - 9 2024



MAY 2 1 2024



Citation # 1510
Photographs (1 of 3) submitted by
Sergeant A. Yelvington

MAY 2 1 2024



Citation # 1510
Photographs (2 of 3) submitted by
Sergeant A. Yelvington

MAY 2 1 2024



Citation # 1510
Photographs (3 of 3) submitted by
Sergeant A. Yelvington



Mailer: City of Flagler Beach

Date Produced: 05/06/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8360 2401 62. Our records indicate that this item was delivered on 05/04/2024 at 08:42 a.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:

JOHN DAVIS 319 MOODY BLVD FLAGLER BEACH, FL 32136

Customer Reference Number:

C4998614.30102446

Return Reference Number

CITATION NO. 1510



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

MAILING DATE: 05/03/2024 DELIVERY DATE: 05/04/2024

Recipient address:

JOHN DAVIS 319 MOODY BLVD FLAGLER BEACH, FL 32136

USPS CERTIFIED MAIL



9214 8901 9403 8360 2401 62

USPS Tracking Label Number: 9214 8901 9403 8360 2401 62

USPS Tracking History	Location	Date / Time	
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	05/03/2024 10:32	
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	05/03/2024 12:51	
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	05/03/2024 17:01	
DELIVERED FRONT DESK/RECEPTION/MAIL ROOM	FLAGLER BEACH,FL 32136	05/04/2024 08:42	

CUSTOM 1:



Special Magistrate Hearing

APPEAL OF PARKING CITATION

May 22, 2024

Citation Number: P00811FB

Appellant: Daniel Bach

Police Officer: Officer M. Snyder # 7086

Attachments: Notice of Hearing

Hearing Request to Contest Local Parking Citation Form

Parking Violation

Photographs Submitted by Appellant

Certified Mailing

52



City of Flagler Beach

Building & Zoning Department P.O. Box 70 * 800 South Daytona Avenue Flagler Beach Fl 32136 (386)-517-2000 EXT. 231

IN RE: APPEAL OF

PARKING CITATION NO. P00811FB

DANIEL BACH
49 N. PARK CIRCLE
PALM COAST, FL 32137

Appellant.
v.
CITY OF FLAGLER BEACH,
Appellee.

NOTICE OF HEARING

TO: DANIEL BACH

YOU ARE HEREBY NOTIFIED that a hearing on the above-styled appeal shall be conducted before the Code Enforcement Special Magistrate of the City of Flagler Beach, Florida on **WEDNESDAY**, **MAY 22**, **2024** @ **3:00 P.M**. in City Council Chambers located at City Hall 105 S 2nd Street, Flagler Beach, Florida. The Special Magistrate shall receive testimony and evidence related to the appeal of the parking citation issued by the City of Flagler Beach.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy of this notice has been served via 49 N. Park Circle, Palm Coast FL, 32137, 3rd day of May, 2024 regular and certified mail to the Appellant.

Michele C. Ficocello, Clerk to the Special Magistrate

If you intend to be represented by Counsel your attorney is requested to file a Notice of Appearance with the Clerk to the Special Magistrate in person at 800 S Daytona Avenue (City of Flagler Beach Building & Zoning) 32136 or by mail at City of Flagler Beach PO Box 70, Flagler Beach, Fl 32136 at least five (5) days before the hearing date.

Any person who desires to appeal any decision made at this meeting or hearing will need a record of the proceedings and, for this purpose, may need to ensure that a verbatim record of the proceedings is made, which includes testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office at (386) 517-2000 at least forty-eight (48) hours in advance of the meeting.

CITY OF FLAGLER BEACH HEARING REQUEST TO CONTEST LOCAL PARKING CITATION

Must be submitted within thirty calendar days of the date of citation

Local Hearing Request (must be filled out within 30	days of issuance)
900811F6	04/05/2024
Citation Number	Date of Citation
Officer. I understand that a hearing will be scheduled date. I understand that I have the option to resched clerk for the Local Hearing Officer in writing at I understand that if I do not reschedule my hearing and I am responsible for all fines and failure to compunderstand that by contesting the violation, I am we citation and that if the Local Hearing Officer upholds to \$250.00 and may assess reasonable administrativ I fully understand the stipulations and the associated Signature Date Hark Circle Par Mailing Address:	dule a hearing once by notifying the appropriate least 5 days prior to the scheduled hearing. I d I fail to appear I can be adjudicated guilty where ply may result in a vehicle registration stop. I vaiving the right to pay the fine imposed on the sthe violation he or she may impose a fine of up to ecosts of up to \$100.00 against me. I attest that

AFTER COMPLETING THIS FORM PLEASE ATTACH A COPY OF CITATION AND RETURN TO:

Michele Ficocello

Customer Service Representative P.O. Box 70, Flagler Beach FL 32136 <u>mficocello@cityofflaglerbeach.com</u> Phone: 386-517-2000, ext. 231

RECEIVED

APR 1 1 2024



COUNTY OF CITY FL WIGLATOR INFO! PHECK IF OWNER IS BUSINESS OF THE SOVERNMENT FIRST DANIEL STREET 40 N P BLAID # B20017441367 YR VEHICLE T 2015 COLOR ST WHI UTIL ROADWAY INFOR BUSINESS NAME	ATION AGLER AMATION S PHISH WINDOLE ARK CIR STATE 0 FL AG# KFXQ67 FLE MATION CURRED ON S	PLAC NIESS NAME ILAST N CITT P BIRTH DATE F 10/07/1941 TRAILER T KE MODE XS RX 35	E OR CITY OF C FLAGE BACH AI M COAST RACE GENDER W M AG# TAGE 10/0 L V.I.N. OR M 50 2T	TARTMENT 2-PD TARTMENT 2-PD TARTMON LER BEACH SUPPIX STATE ZIP FI 32137 TELEPHONE RP DATE STATE 7/2025 FL	FAILURE TO PAY FEE OF \$42.82.I FULLY COMPLY I INSTRUCTIONS YOU MUST FI FO THES TICKET. 1. PAYMENT MUS HIGHER FRACH 2. BY MAIL TO: C 3. PAY THE CITA HITP://WWW. NOTE: YOU MUS PAYMENT SHOUL PERSONAL CHEC THERE WILL BE I VIOLATIONS. IF YOU ELECT AS LOCAL HEARING CONTACT THE CITICKET, 386-517
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TY	GLER BEACH		μib	PHONE #	
MAIL ADDRESS			32126	l.	REPORTING OFF

WANTED THE PROPERTY OF

COURTROOM # / OTHER DETAIL

FILING FEE

FINE

IF PAID 30

DAYS

AFTER

FINE

COURT INFORMATION(if applicable)

5100.00

COURT TIME

IF PAID 30

COURT DATE

WITHIN DAYS

VIOLATOR INSTRUCTIONS

TO INDIVIDUAL CHARGED WITH A PARKING INFRACTION NOT REQUIRING

Y THIS PARKING TICKET WITHIN 30 DAYS WILL RESULT IN A DELINOUENT IN ADDITION TO THE AMOUNT INDICATED ON THE CITATION, FAILURE TO WILL RESULT IN A SUMMONS BEING ISSUED.

T ONE OF THE FOLLOWING OPTIONS WITHIN 30 DAYS OF THE DATE OF

ST BE MADE IN PERSON TO THE CITY OF FLAGLER BEACH BETWEEN THE IST BE MADE IN PERSON TO THE CITY OF FLAGLER BEACH BETWEEN THE A.M. AND 3-00 F.M. MON - FRI (HOLIDAYS EXCLUDED), 1033, SECOND ST., I.FL 32138 CITY OF FLAGLER BEACH, P.O. BOX 70, FLAGLER BEACH, FL 32136 VITON ONLINE AT WYW.CITYOFFLAGLERBEACH,COM LCITYOFFLAGLERBEACH.COM> UNDER THE ONLINE RILL PAY SECTION

T ENCLOSE THIS TICKET IF YOU MAIL IN PAYMENT.

LD BE IN THE FORM OF MONEY ORDER. CASH, CARD OR CASHIER'S CHECK. KS ARE ACCEPTED, MAKE CHECKS PAYABLE TO: CITY OF FLAGLER BEACH

NO POINTS ASSESSED ON YOUR DRIVER'S LICENSE FOR PARKING

HEARING AND THE COMMISSION OF AN INFRACTION HAS BEEN PROVEN. A OFFICER MAYIMPOSE A PENALTY NOT TO EXCEED \$250.00.

ty police department for instructions on how to contest a

RECEIVED

APR 1 1 2024

City of Flagler Beach Building Department

#7086

REPORTING	OFFICER						
DEFICER SI	GNATURE		RADGE # 7006	ln#	7006	ROOPLINIT	
DANK	FIRST		MIDDI	F	AST		-
OFFICER		M				SNYDER	

VIOLATOR SIGNATURE:

APR 1 1 2024



CITATION NO. P00811FB Photograph Submitted by Appellant

EVIDENCE

CASES

Parking on sidewalk

INVENTORY

ADMIN

HELP

MY ACCOUNT Lost login May 21, 2024 SIGN OUT

ALL EVIDENCE

2024-00005748

Code Enforcement

MY EVIDENCE

SHARED EVIDENCE

EVIDENCE MAP

COMMUNITY REQUEST

RECEIVED

MAY 22 2024

City of Flagler Beach Building Department

Manage Access Inside My Agency

11 2

Manage Shares Outside My Agency

0 賉

F

CATEGORIES

TITLE

ID



Citation # P00811FB

Photographs (1 of 1) submitted by

Officer M. Snyder

N 6th St Esri Community Maps Contributors, Flagl...

102 S 4th St, Flagler Beach, FL, 32136, USA

Edits Redactions METADATA

ASSIGNED TO:

Snyder, Michael (7086)

RECORDED ON (UTC-04:00): Apr 5, 2024 7:50:21 PM

UPLOADED ON:

Apr 5, 2024 7:51 PM -04:00

UPLOADED BY:

Snyder, Michael (7086)

QUEUED FOR DELETION ON: Apr 4, 2028 7:50 PM -04:00

FILE FORMAT: image/jpeg

FILE SIZE: 3.4 MB

DOCUMENT CHECKSUM:

0fca295d031378f3bb419149cad7343ddf0act d1ff875d8293

EVIDENCE GROUP:

0/4000

Modified Date Software:

EXIF DATA

2024:04:05 19:50:21 17.3.1

Rotate 90 CW

DESCRIPTION

No description has been added yet

No notes have been posted yet

Orientation:





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

Recipient address:

DANIEL BACH 49 N. PARK CIRCLE PALM COAST, FL 32137

USPS CERTIFIED MAIL



9214 8901 9403 8360 2413 43

USPS Tracking Label Number: 9214 8901 9403 8360 2413 43

USPS Event	Postal Facility	Date/Time	
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	05/03/2024 10:32	
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	05/03/2024 12:51	
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	05/03/2024 17:01	
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	05/03/2024 22:40	
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	05/04/2024 11:03	
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	05/04/2024 19:14	
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	05/06/2024 00:04	
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	05/07/2024 00:17	
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	05/08/2024 01:52	



Special Magistrate Hearing

Code Enforcement

Meeting Date

Case Number: EEN24-0024

Respondent: Thomas T & Monzell Turner

Address of Violation: 1816 S Daytona Avenue

Tax Parcel ID Number: 18-12-32-2750-00270-0050

Violation: 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 303 SWIMMING

POOLS, SPAS AND HOT TUBS: 303.2 ENCLOSURES

Attachments: Notice of Status Hearing (Dated May 6, 2024)

Mailing Costs (Dated May 6, 2024)

Certified Mailings (Dated May 6, 2024) Magistrate Order (Dated April 26, 2024)

Mailing Costs (Dated April 26, 2024)

Certified Mailings (Dated April 26, 2024)

Documents from Magistrate Hearing Packet (Dated April 24, 2024)

Total Cost of Mailings Recent Mailing Costs - \$32.00

Respondent Invoiced - \$24.00

Section 8. Item a.

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

10696 MOUNTAINLAUREL WAY UNION, KY 41091	
CITY OF FLAGLER BEACH,) FLORIDA, a municipal corporation,)	
Petitioner,)	
vs.) THOMAS T & MONZELL)	CASE NO: <u>EEN24-0024</u>
TURNER, owner,)	
() () () () () () () () () ()	

THOMAS T & MONZELL TURNER

NOTICE OF STATUS HEARING

Premises:

1816 S DAYTONA AVENUE, FLAGLER BEACH, FL 32136

Pursuant to Chapter 162, *Florida Statues*, 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**, **MAY 22**, **2024** @ **3:00 PM**, there will be a STATUS HEARING before the Special Magistrate in the City Commission Chambers, 105 2nd Street South, Flagler Beach, Florida, concerning **FINDINGS OF FACT**, **CONCLUSIONS OF LAW**, **AND ORDER** dated **April 26**, **2024**. 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 provide a status update.

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.

DATED: May 06, 2024

Code Enforcement Officer City of Flagler Beach, Florida

I hereby certify that a copy of the foregoing was delivered by regular and certified mail # 9214 8901 9403 8360 2646 01 and 9214 8901 9403 8360 2646 63 May 06, 2024.

Code Enforcement

Notice Type: STATUS HEARING

Date: 5/6/2024

Code Enforcement Complaint # EEN24-0024

Name: THOMAS T & MONZELL TURNER

Mailing Address: 1816 S DAYTONA AVE

FLAGLER BEACH, FL 32136

Name (2): THOMAS T & MONZELL TURNER

Mailing Address (2): 10696 MOUNTAINLAUREL WAY

UNION, KY 41091

Certified Mail Cost	Mailings 2	Cost Per Item \$7.36	Total \$14.72
Regular Mail Cost	2	\$0.64	\$1.28
		TOTAL	\$16.00





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

Recipient address:

THOMAS T & MONZELL TURNER 10696 MOUNTAINLAUREL WAY UNION, KY 41091

USPS CERTIFIED MAIL



9214 8901 9403 8360 2646 63

USPS Tracking Label Number: 9214 8901 9403 8360 2646 63

USPS Event	Postal Facility	Date/Time	
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	05/03/2024 11:24	
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	05/06/2024 13:44	
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	05/06/2024 17:13	
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	05/07/2024 01:09	
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	05/07/2024 21:10	
PROCESSED THROUGH USPS FACILITY	CINCINNATI OH DISTRIBUTION CENT 45234	05/10/2024 11:53	





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

Recipient address:

THOMAS T & MONZELL TURNER 1816 S DAYTONA AVENUE FLAGLER BEACH, FL 32136

USPS CERTIFIED MAIL



9214 8901 9403 8360 2646 01

USPS Tracking Label Number: 9214 8901 9403 8360 2646 01

USPS Event	Postal Facility	Date/Time	
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	05/03/2024 11:24	
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	05/06/2024 13:44	
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	05/06/2024 17:13	
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	05/07/2024 00:34	
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	05/08/2024 03:09	
NO AUTHORIZED RECIPIENT AVAILABLE	FLAGLER BEACH,FL 32136	05/08/2024 09:57	
REMINDER TO SCHEDULE REDELIVERY	FLAGLER BEACH,FL 32136	05/14/2024 03:17	

BEFORE THE CODE ENFORCMENT MAGISTRATE FOR THE CITY OF FLAGLER BEACH, FLORIDA

CITY OF FLAGLER BEACH,

Petitioner,

VS.

CASE NUMBER EEN 24-0024

THOMAS T. TURNER and MONZELL TURNER,

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

THIS MATTER having come before the Code Enforcement Magistrate for the City of Flagler Beach, Florida on April 24, 2024 after due notice to Respondents and the undersigned having received evidence and heard testimony under oath thereupon issues the following Findings of Fact and Order:

FINDINGS OF FACT

- 1. The property subject to this proceeding is located at 1816 S Daytona Avenue, Flagler Beach, Florida, and has Flagler County Tax Parcel ID 18-12-32-2750-00270-0050 (the "Subject Property").
- 2. Thomas T. Turner and Monzell Turner are the record owners of the Subject Property.
- 3. On April 2, 2024, the Code Enforcement Officer for the City of Flagler Beach properly served a Notice of Violation on Respondent. Said Notice of Violation cited a violation of Section 303.2 of the International Property Maintenance Code, as adopted by the City of Flagler Beach, related to swimming pool enclosures.
- 4. Specifically, there is a swimming pool in the rear yard of the Subject Property and one side of the rear yard currently does not have a fence. Plastic construction fencing has been erected to create a temporary barrier; however, the construction fencing is not a code compliant barrier and has been the only obstacle on that side of the fence for several months.

BASED UPON THE FOREGOING, IT IS ORDERED:

- 5. Respondents must correct the violation by installing permanent fencing that completely surrounds and secures the pool.
 - 6. The work will require permits from the City of Flagler Beach.
- 7. Accordingly, the Respondents are allowed fifteen (15) days from the date of this Order to obtain a permit to install the missing portions of fence necessary to adequately secure the pool.
- 8. Additionally, the Respondents are allowed thirty (30) days from the date of this Order to complete the installation of the missing portions of fence necessary to adequately secure the pool.
- 9. The undersigned has been advised that the residents of the Subject Property may be waiting for the neighboring property that is under construction to install the missing portion of fence. This order does not mandate who must perform the work; however, if the work is not permitted and completed in the times allowed by this Order, fines will be imposed against the Respondents.
- 10. If either requirement of this order is not completed by the time allowed in this Order, a fine of \$250,00 per day shall accrue for each day beginning April 24, 2024 Respondents remain in violation of this Order.
- Respondents shall pay the costs incurred by the City in prosecuting this case in the amount of \$24.00 within thirty (30) days of the date of this Order. Respondents may contact Michelle Ficocello at (386) 517-2000 ext. 231 to make arrangements for payment.
- 12. This matter shall be scheduled and noticed for a status hearing at the regular May hearing date and the Respondents shall attend such hearing in person or by telephone.

13. Any future violations of the same Code section by the Respondents may be prosecuted as repeat violations.

ORDERED on this day of

Gregory/Popp Code Enforcement Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served
upon Respondent by Certified and Regular Mail to Respondents at 1816 S Daytona Avenue
Flagler Beach, Florida 32136 and 10696 Mountain Laurel Way, Union, Kentucky 41091, on thi
a Cthday of Apr. , 2024.
Michelle, Ficocello,

Clerk to the Special Magistrate

City of Flagler Beach

800 SOUTH DAYTONA AVENUE / PO BOX 70 Flagler Beach, FL 32136 (386) 517-2000

Invoice For Enforcement: EEN24-0024

Print Date: 04/2 Section 8, Item a.

Pay by Account In Full

TURNER THOMAS T & MONZELL

\$ 24.00

	00071816	04/26/24	EEN24-0024	1816 S DAYTONA	AVE	\$ 24	4.00
Fee Details: Quantit	y Des	cription		An	nount Cost	Bal	lance
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Code Enforcement

Notice Type: MAGISTRATE ORDER

Date: 4/26/2024

Code Enforcement Complaint # EEN24-0024

Name: THOMAS T & MONZELL TURNER

Mailing Address: 1816 S DAYTONA AVE

FLAGLER BEACH, FL 32136

Name (2): THOMAS T & MONZELL TURNER

Mailing Address (2): 10696 MOUNTAINLAUREL WAY

UNION, KY 41091

Certified Mail Cost	Mailings 2	Cost Per Item \$7.36	Total \$14.72
Regular Mail Cost	2	\$0.64	\$1.28
		TOTAL	\$16.00





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

Recipient address:

THOMAS T & MONZELL TURNER 10696 MOUNTAINLAUREL WAY UNION, KY 41091

USPS CERTIFIED MAIL



9214 8901 9403 8359 4238 97

USPS Tracking Label Number: 9214 8901 9403 8359 4238 97

USPS Event	Postal Facility	Date/Time	
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	04/26/2024 15:07	
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	04/26/2024 16:18	
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	04/26/2024 17:01	
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	04/26/2024 23:44	
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	04/27/2024 09:22	
PROCESSED THROUGH USPS FACILITY	CINCINNATI OH DISTRIBUTION CENT 45234	04/29/2024 09:10	





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

Recipient address:

THOMAS T & MONZELL TURNER 1816 S DAYTONA AVENUE FLAGLER BEACH, FL 32136

USPS CERTIFIED MAIL



9214 8901 9403 8359 4238 35

USPS Tracking Label Number: 9214 8901 9403 8359 4238 35

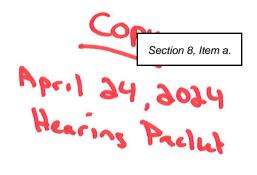
USPS Event	Postal Facility	Date/Time	
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	04/26/2024 15:07	
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	04/26/2024 16:18	
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	04/26/2024 17:01	
NO AUTHORIZED RECIPIENT AVAILABLE	FLAGLER BEACH,FL 32136	04/27/2024 12:16	
REMINDER TO SCHEDULE REDELIVERY	FLAGLER BEACH,FL 32136	05/02/2024 03:07	
PACKAGE RETURN NOTICE GENERATED	FLAGLER BEACH,FL 32136	05/12/2024 03:03	
UNCLAIMED/BEING RETURNED TO SENDER	FLAGLER BEACH,FL 32136	05/13/2024 15:20	



Special Magistrate Hearing

Code Enforcement

April 24, 2024



Case Number: EEN24-0024

Respondent: Thomas T & Monzell Turner

Address of Violation: 1816 S Daytona Avenue

Tax Parcel ID Number: 18-12-32-2750-00270-0050

Violation: 2015 International Property Maintenance Code, Section 303 Swimming Pools, Spas

and Hot Tubs: 303.2 Enclosures

Attachments: Notice of Hearing (Dated April 10, 2024)

Mailing Costs (Dated April 10, 2024)

Certified Mailings

Second Notice of Violation (Dated April 2, 2024)

Mailing Costs (Dated April 2, 2024)

Certified Mailings

Notice of Violation (Dated March 1, 2024)

Mailing Costs (Dated March 1, 2024)

Certified Mailings

Total Cost of Mailings \$24.00

Section 8. Item a.

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

THOMAS T & MONZELL TUR 1816 S DAYTONA AVE FLAGLER BEACH, FL 32136	NER	
CITY OF FLAGLER BEACH, FLORIDA, a municipal corporati) lon,)	
Petitioner,)	
VS.)	CASE NO: <u>EEN24-0024</u>
THOMAS T &)	
MONZELL TURNER, owner,)	
Respondent.)	

NON COMPLIANCE - NOTICE OF HEARING

Premises:

1816 S DAYTONA AVENUE, FLAGLER BEACH, FL 32136

Pursuant to Chapter 162, *Florida Statues*, 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**, **APRIL 24**, 2024 @ 3:00PM, 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 notices of violation dated **March 1**, 2024 and **April 2**, 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.

DATED: April 10, 2024

John Gifford,

Code Enforcement Officer City of Flagler Beach, Florida

I hereby certify that a copy of the foregoing was delivered by regular and certified mail # 9214 8901 9403 8356 6246 93 April 10, 2024.

Code Enforcement

Notice Type: VIOLATION NOTICE

Date: 4/10/2024

Code Enforcement Complaint # EEN24-0024

Name: THOMAS T & MONZELL TURNER

Mailing Address: 1816 S DAYTONA AVE

FLAGLER BEACH, FL 32136

Name (2):

Mailing Address (2):

Certified Mail Cost	Mailings 1	Cost Per Item \$7.36	Total \$7.36
Regular Mail Cost	1	\$0.64	\$0.64
		TOTAL	\$8.00



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

Recipient address:

THOMAS T & MONZELL TURNER 1816 S DAYTONA AVENUE FLAGLER BEACH, FL 32136

USPS CERTIFIED MAIL



9214 8901 9403 8356 6246 93

USPS Tracking Label Number: 9214 8901 9403 8356 6246 93

USPS Event	Postal Facility	Date/Time	
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	04/09/2024 14:19	
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	04/10/2024 10:49	
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	04/10/2024 17:01	
NO AUTHORIZED RECIPIENT AVAILABLE	FLAGLER BEACH,FL 32136	04/11/2024 11:48	

Section 8. Item a.

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

THOMAS T & MONZELL TURNER

NOTICE OF VIOLATION

Premises:

1816 S DAYTONA AVENUE, FLAGLER BEACH, FL 32136

YOU ARE NOTIFIED that violations of **2015 INTERNATIONAL PROPERTY MAINTENANCE CODE**, **SECTION 303 SWIMMING POOLS**, **SPAS AND HOT TUBS: 303.2 ENCLOSURES** exist on the premises located at 1816 S DAYTONA AVENUE, FLAGLER BEACH, FL 32136. The premises are more particularly described as follows:

Legal Description: FUQUAY SUBD BLOCK 27 LOT 5 OR BOOK 69 PAGE 507 OR 159 PG 562 OR 354 PG 671 OR 362 PG 922 and has **Tax Parcel ID # 18-12-32-2750-00270-0050**

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

POOL IS NOT PROPERLY SECURED (SEE ATTACHED)

You must correct the violations by no later than 5:00 p.m. on the 8th day April, 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 April 02, 2024

Code Enforcement Officer
City of Flagler Beach, Florida

I hereby certify that a copy of the foregoing was delivered by Certified MailTM #9214 8901 9403 8355 3593 67 April 02, 2024.

NOTICE OF VIOLATION:

Respondent:

Thomas T & Monzell Turner

1816 S. Daytona Avenue Flagler Beach, FL 32136

Case Number: EEN24 - 0024

Premises: 1816 S. Daytona Av., Flagler Beach, FL 32136

Violation: 2015 International Property Maintenance Code

Section 303 Swimming pools, spas and hot tubs:

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate.

The enclosure requires a permit.

The conditions giving rise to the violation is described as follows: Pool is not properly secured.

Code Enforcement

Notice Type: VIOLATION NOTICE

Date: 4/2/2024

Code Enforcement Complaint # EEN24-0024

Name: THOMAS T & MONZELL TURNER

Mailing Address: 1816 S DAYTONA AVE

FLAGLER BEACH, FL 32136

Name (2):

Mailing Address (2):

Certified Mail Cost	Mailings 1	Cost Per Item \$7.36	Total \$7.36
Regular Mail Cost	1	\$0.64	\$0.64
		TOTAL	\$8.00



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

Recipient address:

THOMAS T & MONZELL TURNER 1816 S DAYTONA AVENUE FLAGLER BEACH, FL 32136

USPS CERTIFIED MAIL



9214 8901 9403 8355 3593 67

USPS Tracking Label Number: 9214 8901 9403 8355 3593 67

USPS Event	Postal Facility	Date/Time	
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	04/02/2024 11:33	
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	04/02/2024 14:12	
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	04/02/2024 17:02	
NO AUTHORIZED RECIPIENT AVAILABLE	FLAGLER BEACH,FL 32136	04/03/2024 11:27	
REMINDER TO SCHEDULE REDELIVERY	FLAGLER BEACH,FL 32136	04/08/2024 03:40	

Section 8. Item a.

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

FLAGLER BEACH, FL 32136

CITY OF FLAGLER BEACH, | FLORIDA, a municipal corporation, | Petitioner, | CASE NO: EEN24-0024

THOMAS T & | MONZELL TURNER, | Owner, | Respondent. | | Respondent. | |

THOMAS T & MONZELL TURNER

1816 S DAYTONA AVENUE

NOTICE OF VIOLATION

Premises:

1816 S DAYTONA AVENUE, FLAGLER BEACH, FL 32136

YOU ARE NOTIFIED that violations of 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS: 303.2 ENCLOSURES exist on the premises located at 1816 S DAYTONA AVENUE, FLAGLER BEACH, FL 32136. The premises are more particularly described as follows:

Legal Description: FUQUAY SUBD BLOCK 27 LOT 5 OR BOOK 69 PAGE 507 OR 159 PG 562 OR 354 PG 671 OR 362 PG 922 OR and has Tax Parcel ID # 18-12-32-2750-00270-0050

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

POOL IS NOT PROPERLY SECURED

You must correct the violations by no later than 5:00 p.m. on the 31st day March, 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 March 01, 2024

Code Enforcement Officer City of Flagler Beach, Florida

I hereby certify that a copy of the foregoing was delivered by Certified MailTM # 9214 8901 9403 8351 0362 79 March 01, 2024.

City of Flagler Beach

Code Enforcement

Notice Type: VIOLATION NOTICE

Date: 3/1/2024

Code Enforcement Complaint # EEN24-0024

Name: THOMAS T & MONZELL TURNER

Mailing Address: 1816 S. DAYTONA AVE

FLAGLER BEACH, FL 32136

Name (2):

Mailing Address (2):

Certified Mail Cost	Mailings 1	Cost Per Item \$7.36	Total \$7.36
Regular Mail Cost	1	\$0.64	\$0.64
		TOTAL	\$8.00



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

Recipient address:

THOMAS T & MONZELL TURNER 1816 S DAYTONA AVENUE FLAGLER BEACH, FL 32136



9214 8901 9403 8351 0362 79

USPS Tracking Label Number: 9214 8901 9403 8351 0362 79

USPS Event	Postal Facility	Date/Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	03/01/2024 11:33
NO AUTHORIZED RECIPIENT AVAILABLE	FLAGLER BEACH,FL 32136	03/02/2024 12:03
REMINDER TO SCHEDULE REDELIVERY	FLAGLER BEACH,FL 32136	03/07/2024 03:16
PACKAGE RETURN NOTICE GENERATED	FLAGLER BEACH,FL 32136	03/17/2024 03:27
UNCLAIMED/BEING RETURNED TO SENDER	FLAGLER BEACH,FL 32136	03/19/2024 09:01
PROCESSED THROUGH USPS FACILITY	FORT MYERS FL DISTRIBUTION CENT 33913	03/23/2024 19:48
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	03/26/2024 09:06
PROCESSED THROUGH USPS FACILITY	FORT MYERS FL DISTRIBUTION CENT 33913	03/29/2024 10:34
DEPARTED USPS REGIONAL FACILITY	FORT MYERS FL DISTRIBUTION CENT 33913	03/30/2024 08:33
PROCESSED THROUGH USPS FACILITY	FORT MYERS FL DISTRIBUTION CENT 33913	04/03/2024 15:34
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	04/05/2024 09:33
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	04/05/2024 21:33
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	04/06/2024 04:38
AVAILABLE FOR PICKUP	FLAGLER BEACH,FL 32136	04/06/2024 07:55
RETURN TO SENDER INDIVIDUAL PICKED UP AT PO	FLAGLER BEACH,FL 32136	04/10/2024 12:05