

CODE ENFORCEMENT BOARD
Wednesday, May 4, 2011 at 9:00 a.m.
Palm Coast Community Center
City Council Meeting Room
305 Palm Coast Parkway NE, Palm Coast, Florida

MEMBERS PRESENT: Edward Allen, Donald Allard, Dale Beck,
Norman Mugford, Pamela Richardson, Paul
Wilhelmsen

EXCUSED: Neil Copeland, Kenneth Klinkenberg

STAFF MEMBERS PRESENT: Code Enforcement Supervisors Chaudoin and
Donovan, Code Enforcement Officers Hadden,
MacDonald, Mendez, Priestap, Romeo, Sagala,
Tilley, Tree Inspector Johnstone, Sr. Staff
Assistant Wry, Debra Babb-Nutcher, Counsel

- A. Call to Order and Pledge of Allegiance.**
The meeting was called to order at 9:00 a.m. by Vice Chairman Norman Mugford, followed by the Pledge of Allegiance.
- B. Roll Call and Determination of Quorum.**
Roll was called. A quorum was met with six (6) members present.
- C. Approval of the April 6, 2011 Meeting Minutes.**
The minutes were unanimously approved.
- D. Disclosure of Ex-Parte Communications.**
None to report.
- E. Swearing-in of Staff.** Supervisors Chaudoin and Donovan, Code Enforcement Officer Hadden, MacDonald, Mendez, Priestap, Romeo, Sagala, Tilley, Tree Inspector Johnstone, Senior Staff Assistant Wry
- F. Swearing in of Respondents:** The respondents who were present were sworn in by Debra Babb-Nutcher, Counsel for City of Palm Coast.
- G. Withdrawn Cases:**
 - AI# 2 - CASE NO. 2010081762 - 30 Cheyenne Court**
 - AI# 3 - CASE NO. 2011011153 - 10 Unique Court**
 - AI# 5 - CASE NO. 2011011014 - 61 Pacific Drive**
 - AI# 13 - CASE NO. 2011030566 - 22 Burnaby Lane**
 - AI# 15 - CASE NO. 2011020265 - 152 Rae Drive**
 - AI# 17 – CASE NO. 2011010395 - 40 Ryan Drive**

AI# 18 - CASE NO. 2011030898 - 6 Palmyra Lane
AI# 21 - CASE NO. 2010100839 - 149 Plain View Drive
AI# 26 - CASE NO. 2011030162 - 9 Chesney Court
AI# 29 - CASE NO. 2011030083 - 64 Fleming Court
AI# 30 - CASE NO. 2011020902 - 100 Misty Harbor Trace
AI# 35 - CASE NO. 2010120874 - 57 Wheatfield Drive
AI# 38 - CASE NO. 2011010312 - 17 Evansville Lane
AI# 41 - CASE NO. 2011011252 - 14 Pinetree Drive
AI# 46 - CASE NO. 2011021113 - 56 Langdon Drive
AI# 48 - CASE NO. 2011020561 - 36 London Drive
AI# 49 - CASE NO. 2011020332 - 37 Louisburg Lane

H. Continued Cases:

AI # 22 CASE NO: 2011030031 - 40 Pritchard Drive
AI# 23 CASE NO: 2011030032 - 40 Pritchard Drive
AI# 31 CASE NO: 2011010830 - 11 Hargrve Grade
AI# 45 CASE NO: 2011041029 - 25 Princess Kim Lane

1. AI# 4

CASE NO. 2011011242 RECURRING

City of Palm Coast vs. Wilson M. Williamson

43 Zonal Geranium Trail

(Palm Coast Code Section 41-17(a)(8) Rubbish/Trash/Garbage)

Code Enforcement Officer Tilley presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Tilley testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs. Respondent Wilson Williamson presented his side.

Mr. Beck moved to find in this case that the Respondent was in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation recurred and was corrected; that any violation of the same code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State law for which a fine of up to \$5,000.00 per day may be imposed; and pursuant to the provisions of controlling law, the Respondent shall pay Administrative Costs in the amount of \$150.00 to the City. Ms. Richardson seconded the motion.

Roll was called:

Mr. Allen - Yes

Mr. Wilhelmsen - Yes

Mr. Beck - Yes

Mr. Mugford - Yes

Mr. Allard - Yes

Ms. Richardson - Yes

Motion unanimously carried.

2. **AI# 8**
CASE NO. 2011031550
City of Palm Coast vs. Kevin Fitzgerald – Fitzgeralds LLC
9 Wilkins Place
(Land Development Code 11.02.05 (A)(1) Removal of Trees w/o Permit/Authorization)

Tree Inspector Johnstone presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Inspector Johnstone testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs. Respondent Kevin Fitzgerald presented his side.

Mr. Allard moved to find in this case that the Respondent was in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation is now corrected; that any violation of the same code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State law for which a fine of up to \$5,000.00 per day may be imposed; and pursuant to the provisions of controlling law, the Respondent shall pay Administrative Costs in the amount of \$150.00 to the City. Ms. Richardson seconded the motion.

Roll was called:

Mr. Allen - Yes	Mr. Mugford - Yes
Mr. Wilhelmsen - Yes	Mr. Allard - Yes
Mr. Beck - Yes	Ms. Richardson - Yes

Motion unanimously carried.

3. **AI# 24**
CASE NO. 2011021080
City of Palm Coast vs. Mark E. McCoy
234 Westhampton Drive
(Palm Coast Code Section 15-1 No Permit – Water Heater Change Out)

Code Enforcement Officer Hadden presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Hadden testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs. Respondent Karen Emden (new property owner) presented her side.

Ms. Richardson made a motion that this case be dismissed. Mr. Wilhelmsen seconded the motion.

Roll was called:

Mr. Allen - Yes

Mr. Wilhelmsen - Yes

Mr. Beck - Yes

Mr. Mugford - Yes

Mr. Allard - Yes

Ms. Richardson - Yes

Motion unanimously carried.

4. AI# 25

CASE NO. 2011021083

City of Palm Coast vs. First Quality Plumbing

234 Westhampton Drive

(Palm Coast Code Section 15-1 No Permit – Water Heater Change Out)

Code Enforcement Officer Hadden presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Hadden testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs. Respondent Stephen Germany – Contractor First Quality Plumbing presented his side.

Ms. Richardson moved to find in this case that the Respondent was in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation is now corrected; that any violation of the same code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State law for which a fine of up to \$5,000.00 per day may be imposed; and pursuant to the provisions of controlling law, the Respondent shall pay Administrative Costs in the amount of \$150.00 to the City. Mr. Wilhelmsen seconded the motion.

Roll was called:

Mr. Allen - Yes

Mr. Wilhelmsen - Yes

Mr. Beck - Yes

Mr. Mugford - Yes

Mr. Allard - Yes

Ms. Richardson - Yes

Motion unanimously carried.

5. AI# 43

CASE NO. 2011030313 REPEAT

City of Palm Coast vs. Billy Bullock

56 Poplar Drive

(Palm Coast Code Section 44-34 (f) Trailer Improperly Parked)

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Romeo testified this is a repeat violation and the property is in compliance. Staff recommends a fine for the period of non-compliance and Administrative Costs. Respondent Billy Bullock presented his side.

In light of testimony given by Mr. Bullock, Supervisor Michael Donovan advised the Board that the City would dismiss this case. Mr. Allard made a motion to dismiss this case. Ms. Richardson seconded the motion.

Motion unanimously carried.

- 6. AI# 40**
CASE NO. 2010120856 RECURRING
City of Palm Coast vs. Vladimir, Raisa & Yelena Birinbaum
10 Pinetree Drive
(Palm Coast Code Section 16-17(3)(c)Garage Sales)

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Romeo testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs. Yelena Lezhenkina, representative from Palm Coast Marketing of NY, Inc. (Property Mgmt. Co.) presented her side.

Mr. Wilhelmsen moved to find in this case that the Respondents were in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation is now corrected; that any violation of the same code by Respondents within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State law for which a fine of up to \$5,000.00 per day may be imposed; and pursuant to the provisions of controlling law, the Respondents shall pay Administrative Costs in the amount of \$150.00 to the City. Mr. Allard seconded the motion.

Roll was called:

Mr. Allen - Yes
Mr. Wilhelmsen - Yes
Mr. Beck - Yes

Mr. Mugford - Yes
Mr. Allard - Yes
Ms. Richardson - Yes

Motion unanimously carried.

7. **AI# 19**
CASE NO. 2011031041 RECURRING
City of Palm Coast vs. Marianne L. Labbe
270 Parkview Drive
(Palm Coast Code Section 44-34 (f) Vehicle Improperly Parked)

Code Enforcement Officer Hadden presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Hadden testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs. Respondent Marianne Labbe presented her side.

Mr. Allard moved to find in this case that the Respondent was in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation recurred and was corrected; that any violation of the same code by Respondents within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State law for which a fine of up to \$5,000.00 per day may be imposed; and pursuant to the provisions of controlling law, the Respondent shall pay Administrative Costs in the amount of \$150.00 to the City. Mr. Allen seconded the motion.

Roll was called:

Mr. Allen - Yes	Mr. Mugford - Yes
Mr. Wilhelmsen - Yes	Mr. Allard - Yes
Mr. Beck - Yes	Ms. Richardson - Yes

Motion unanimously carried.

8. **AI# 1**
CASE NO. 2011030253 REPEAT
City of Palm Coast vs. Richard Daniel Gaisford
115 Black Bear Lane
(Palm Coast Code Section 15-1 F.B.C. 602.2 No Services with Utility Dept. Potable Water Required)

Code Enforcement Officer Arena presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Arena testified this is a repeat violation and the property remains in violation. Staff recommends a Fine Violation order and Administrative Costs.

Mr. Willhelmsen moved to find in this case that the Respondent is in repeat violation of the City Code as charged; based on the Board's prior Order entered against the same Respondent for the same violation; that the Respondent has not brought the property into compliance; that a \$200.00 per

day fine is hereby imposed for the period of non-compliance from March 11, 2011 to May 3, 2011 totaling \$10,800.00 and that a fine of \$200.00 per day shall continue to run until the property is brought into compliance and an Affidavit of Compliance has been filed by the Code Enforcement Officer. The Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order and pursuant to provisions of controlling law, the Respondent shall pay Administrative Costs in the amount of \$150.00 to the City. Ms. Richardson seconded the motion.

Roll was called:

Mr. Allen - Yes

Mr. Wilhelmsen - Yes

Mr. Beck - Yes

Mr. Mugford - Yes

Mr. Allard - Yes

Ms. Richardson - Yes

Motion unanimously carried.

9. AI# 6

CASE NO. 2011030445

*City of Palm Coast vs. Dustin Holyko – Sunshine Lawn Care
286 Parkview Drive*

*(Land Development Code 11.02.05 (A1)Removal of Trees w/o
Permit/Authorization)*

Code Enforcement Tree Inspector Johnstone presented case history, paperwork and photos into evidence. The Respondent was not present. Inspector Johnstone testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs.

Ms. Richardson moved to find in this case that the Respondent was in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation is now corrected; that any violation of the same code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State law for which a fine of up to \$5,000.00 per day may be imposed; and pursuant to the provisions of controlling law, the Respondent shall pay Administrative Costs in the amount of \$150.00 to the City. Mr. Wilhelmsen seconded the motion.

Mr. Mugford asked Counsel Babb-Nutcher if it is a requirement to have a roll call with every motion. Counsel advised it is not necessary.

Motion unanimously carried.

10. AI# 7

CASE NO. 2011030460

*City of Palm Coast vs. Andy Bailey – Precision Lot Grading, Inc.
114 Lindsay Drive
(Palm Coast Code Section 15-1 Lot Clearing w/o Permit for Work)*

Code Enforcement Tree Inspector Johnstone presented case history, paperwork and photos into evidence. The Respondent was not present. Inspector Johnstone testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs.

Mr. Beck moved to find in this case that the Respondent was in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation is now corrected; that any violation of the same code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State law for which a fine of up to \$5,000.00 per day may be imposed; and pursuant to the provisions of controlling law, the Respondent shall pay Administrative Costs in the amount of \$150.00 to the City. Ms. Richardson seconded the motion.

Motion unanimously carried.

11. AI# 9

CASE NO. 2011010936 REPEAT

*City of Palm Coast vs. Ray S. & Patrice Henderson
12 Bennett Lane
(Palm Coast Code Section 35-76 (d)(2) Nuisance-Overgrown Conditions –
Grass/Weeds)*

Code Enforcement Officer Mendez presented case history, paperwork and photos into evidence. The Respondents were not present. Officer Mendez testified this is a repeat violation and the property is in compliance. Staff recommends a fine for the period of non-compliance and Administrative Costs.

Mr. Wilhelmsen moved to find in this case that the Respondents were in repeat violation of City Code as charged based on the Board's prior Order entered against the same Respondents for the same violation; that the Respondents brought the property into compliance on January 22, 2011; that a \$50.00 per day fine is imposed for the period of non-compliance from January 21, 2011 to January 22, 2011 totaling \$50.00; and pursuant to the provisions of controlling law, the Respondents shall pay Administrative Costs in the amount of \$150.00 to the City. Ms. Richardson seconded the motion.

Motion unanimously carried.

12. **AI# 10**
CASE NO. 2011020708
City of Palm Coast vs. Howard D. & Thelma L. Holloway
24 Birchbark Lane
(Palm Coast Code Section 41-17(a)(8) Rubbish/Trash/Garbage)

Code Enforcement Officer Mendez presented case history, paperwork and photos into evidence. The Respondents were not present. Officer Mendez testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs.

Mr. Allard moved to find in this case that the Respondents were in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation is now corrected; that any violation of the same code by Respondents within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State law for which a fine of up to \$5,000.00 per day may be imposed; and pursuant to the provisions of controlling law, the Respondents shall pay Administrative Costs in the amount of \$150.00 to the City. Ms. Richardson seconded the motion.

Motion unanimously carried.

13. **AI# 11**
CASE NO. 2011020437
City of Palm Coast vs. Aleksandr M. Vasserman & Marina Golubikina
35 Brunswick Lane
(Palm Coast Code Section 44-34(a) Unlicensed Vehicle)

Code Enforcement Officer Mendez presented case history, paperwork and photos into evidence. The Respondents were not present. Officer Mendez testified the property remains in violation. Staff recommends a Fine Violation Order and Administrative Costs.

Mr. Wilhelmsen moved to find in this case that the Respondents are in violation of the City Code as charged; that the Respondents correct the violation no later than one (1) day after this Order is entered in writing; that in the event the Respondents do not comply with the Order, a fine in the amount of \$50.00 will be imposed for each and every day the violation continues past the aforesated date; that the Respondents are further ordered to contact the Code Enforcement Officer to verify compliance with this Order; and pursuant to the provisions of controlling law, the Respondents shall pay Administrative Costs in the amount of \$150.00 to the City. Mr. Allen seconded the motion.

Motion unanimously carried.

14. **AI #12**
CASE NO. 2011021111
City of Palm Coast vs. Mamuka Tatishvili & Olga Kevlishvili
4 Lynn Place
(Palm Coast Code Section 44-34(c) Parking of Commercial Vehicle in Residential District)

Code Enforcement Officer Mendez presented case history, paperwork and photos into evidence. The Respondents were not present. Officer Mendez testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs.

Ms. Richardson moved to find in this case that the Respondents were in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation is now corrected; that any violation of the same code by Respondents within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State law for which a fine of up to \$5,000.00 per day may be imposed; and pursuant to the provisions of controlling law, the Respondents shall pay Administrative Costs in the amount of \$150.00 to the City. Mr. Allard seconded the motion.

Motion unanimously carried.

15. **AI# 14**
CASE NO. 2011031509 RECURRING
City of Palm Coast vs. Sopal & Chantha Kes
107 Burroughs Drive
(Palm Coast Code Section 44-34(c) Parking Commercial Trailer in Residential District)

Code Enforcement Officer Sagala presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Sagala testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs.

Mr. Allard moved to find in this case that the Respondents were in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation is now corrected; that any violation of the same code by Respondents within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State law for which a fine of up to \$5,000.00 per day may be imposed; and pursuant to the provisions of controlling law, the Respondents shall pay Administrative Costs in the amount of \$150.00 to the City. Ms. Richardson seconded the motion.

Motion unanimously carried.

16. AI# 16

CASE NO. 2011030024

City of Palm Coast vs. David & Susan Close

17 Rolland Lane

(Palm Coast Code Section 17-39(a) Residential Rental Program)

Code Enforcement Officer Sagala presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Sagala testified the property remains in violation. Staff recommends a Fine Violation Order and Administrative Costs.

Mr. Wilhelmsen moved to find in this case that the Respondents are in violation of the City Code as charged; that the Respondents correct the violation no later than five (5) days after this Order is entered in writing; that in the event the Respondents do not comply with the Order, a fine in the amount of \$25.00 will be imposed for each and every day the violation continues past the aforesaid date; that the Respondents are further ordered to contact the Code Enforcement Officer to verify compliance with this Order; and pursuant to the provisions of controlling law, the Respondents shall pay Administrative Costs in the amount of \$150.00 to the City. Mr. Allen seconded the motion.

Motion unanimously carried.

17. AI# 20

CASE NO. 2011031038 RECURRING

City of Palm Coast vs. Tamara E. Hartman

13 Patric Drive

(Palm Coast Code Section 35-76(d) Nuisance - Overgrown Conditions – Grass/Weeds)

Code Enforcement Officer Hadden presented case history and paperwork into evidence. The Respondent was not present. Officer Hadden testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs.

Ms. Richardson moved to find in this case that the Respondent was in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation is now corrected; that any violation of the same code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State law for which a fine of up to \$5,000.00 per day may be imposed; and pursuant to the provisions of controlling law, the Respondent shall pay Administrative Costs in the amount of \$150.00 to the City. Mr. Allard seconded the motion.

Motion unanimously carried.

18. AI# 27

CASE NO. 2011030079

City of Palm Coast vs. Donna P. Hastey

1 Cooper Lane

(Palm Coast Code Section 41-17(a)(8) Rubbish/Trash/Garbage)

Code Enforcement Officer Priestap presented case history, paperwork and photos into evidence. The Respondents was not present. Officer Priestap testified the property remains in violation. Staff recommends a Fine Violation Order and Administrative Costs.

Mr. Wilhelmsen moved to find in this case that the Respondent is in violation of the City Code as charged; that the Respondent correct the violation no later than five (5) days after this Order is entered in writing; that in the event the Respondent does not comply with the Order, a fine in the amount of \$50.00 will be imposed for each and every day the violation continues past the aforesated date; that the Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order; and pursuant to the provisions of controlling law, the Respondent shall pay Administrative Costs in the amount of \$150.00 to the City. Ms. Richardson seconded the motion.

Motion unanimously carried.

19. AI# 28

CASE NO. 2011030077

City of Palm Coast vs. Donna P. Hastey

1 Cooper Lane

(Palm Coast Code Section 35-76 (d)(2) Nuisance – Overgrown Conditions – Grass/Weeds)

Code Enforcement Officer Heather Priestap presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Priestap testified the property is in compliance. Staff recommends a No Fine Standing Order.

Ms. Richardson moved to find in this case that the Respondent was in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation is now corrected; that any violation of the same code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State law for which a fine of up to \$5,000.00 per day may be imposed. Mr. Allard seconded the motion.

Motion unanimously carried.

20. **AI# 32**
CASE NO. 2011020266
City of Palm Coast vs. Richard E & Ellen A. Castro
157 Wellstone Drive
(Palm Coast Code Section 15-1 No Permit for Garage Roof/Ceiling Repair)

Code Enforcement Officer MacDonald presented case history, paperwork and photos into evidence. The Respondents were not present. Officer MacDonald testified the property remains in violation. Staff recommends a Fine Violation Order and Administrative Costs.

Mr. Wilhelmsen moved to find in this case that the Respondents are in violation of the City Code as charged; that the Respondents correct the violation no later than five (5) days after this Order is entered in writing; that in the event the Respondents do not comply with the Order, a fine in the amount of \$100.00 will be imposed for each and every day the violation continues past the aforesated date; that the Respondents are further ordered to contact the Code Enforcement Officer to verify compliance with this Order; and pursuant to the provisions of controlling law, the Respondents shall pay Administrative Costs in the amount of \$150.00 to the City. Mr. Allen seconded the motion.

Motion unanimously carried.

21. **AI# 33**
CASE NO. 2011020824
City of Palm Coast vs. Christopher & Stacy Johnson
23 Wellwood Lane
(Palm Coast Code Section 44-34 (a) Unlicensed Vehicle on Property)

Code Enforcement Officer MacDonald presented case history, paperwork and photos into evidence. The Respondents were not present. Officer MacDonald testified the property remains in violation. Staff recommends a Fine Violation Order and Administrative Costs.

Ms. Richardson moved to find in this case that the Respondents are in violation of the City Code as charged; that the Respondents correct the violation no later than three (3) days after this Order is entered in writing; that in the event the Respondents do not comply with the Order, a fine in the amount of \$50.00 will be imposed for each and every day the violation continues past the aforesated date; that the Respondents are further ordered to contact the Code Enforcement Officer to verify compliance with this Order; and pursuant to the provisions of controlling law, the Respondents shall pay Administrative Costs in the amount of \$150.00 to the City. Mr. Allard seconded the motion.

Motion unanimously carried.

22. AI# 34

CASE NO. 2011021117

City of Palm Coast vs. Mary Graham

36 Wheatfield Drive

(Palm Coast Code Section 44-34 (c) Parking of Trailer in Residential Dist.)

Code Enforcement Officer MacDonald presented case history and paperwork into evidence. The Respondent was not present. Officer MacDonald testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs.

Ms. Richardson moved to find in this case that the Respondent was in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation is now corrected; that any violation of the same code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State law for which a fine of up to \$5,000.00 per day may be imposed; and pursuant to the provisions of controlling law, the Respondent shall pay Administrative Costs in the amount of \$150.00 to the City. Mr. Allard seconded the motion.

Motion unanimously carried.

23. AI# 34

CASE NO. 2011021119

City of Palm Coast vs. Mary Graham

36 Wheatfield Drive

(Palm Coast Code Section 44-34 (f) Vehicle Improperly Parked)

Code Enforcement Officer MacDonald presented case history and paperwork into evidence. The Respondent was not present. Officer MacDonald testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs.

Mr. Allard moved to find in this case that the Respondent was in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation is now corrected; that any violation of the same code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State law for which a fine of up to \$5,000.00 per day may be imposed; and pursuant to the provisions of controlling law, the Respondent shall pay Administrative Costs in the amount of \$150.00 to the City. Mr. Allen seconded the motion.

Roll was called:

Mr. Allen - Yes
Mr. Wilhelmsen - No
Mr. Beck - No

Mr. Mugford - Yes
Mr. Allard - Yes
Ms. Richardson - No

Motion failed.

Mr. Wilhelmsen moved to find in this case that the Respondent was in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation is now corrected; that any violation of the same code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State law for which a fine of up to \$5,000.00 per day may be imposed. Ms. Richardson seconded the motion.

Roll was called:

Mr. Allen - Yes
Mr. Wilhelmsen - Yes
Mr. Beck - Yes

Mr. Mugford - Yes
Mr. Beck - Yes
Ms. Richardson - Yes

Motion unanimously carried.

- 24. AI# 36**
CASE NO. 2011020499 RECURRING
City of Palm Coast vs. Stephan Karnis
12 Eagle Harbor Trail
(Palm Coast Code Section 44-34 (a) Unlicensed Vehicle)

Code Enforcement Officer Romeo presented case history and paperwork into evidence. The Respondent was not present. Officer Romeo testified the property remains in violation. Staff recommends a Fine Violation Order and Administrative Costs.

Mr. Wilhelmsen moved to find in this case that the Respondent is in violation of the City Code as charged; that the Respondent correct the violation no later than three (3) days after this Order is entered in writing; that in the event the Respondent does not comply with the Order, a fine in the amount of \$50.00 will be imposed for each and every day the violation continues past the aforesaid date; that the Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order; and pursuant to the provisions of controlling law, the Respondent shall pay Administrative Costs in the amount of \$150.00 to the City. Ms. Richardson seconded the motion.

Motion unanimously carried.

25. **AI# 37**
CASE NO. 2011030532 REPEAT
City of Palm Coast vs. Sandra Savariego
21 Empress Lane
(Palm Coast Code Section 44-34(c) Parking of Commercial Trailer in Residential District)

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Romeo testified this is a repeat violation and the property is in compliance. Staff recommends a fine for the period of non-compliance and Administrative Costs.

Mr. Allard moved to find in this case that the Respondent was in repeat violation of City Code as charged based on the Board's prior Order entered against the same Respondent for the same violation; that the Respondent brought the property into compliance on March 29, 2011; that a \$100.00 per day fine is imposed for the period of non-compliance on March 29, 2011 totaling \$100.00; and pursuant to the provisions of controlling law, the Respondent shall pay Administrative Costs in the amount of \$150.00 to the City. Ms. Richardson seconded the motion.

Motion unanimously carried.

26. **AI# 39**
CASE NO. 2011030590 REPEAT
City of Palm Coast vs. Jane A. Schlinger & Christina M. Guyette
55 Pine Croft Lane
(Palm Coast Code Section 44-34(f) Vehicle Improperly Parked)

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The Respondents were not present. Officer Romeo testified this is a repeat violation and the property is in compliance. Staff recommends a fine for the period of non-compliance and Administrative Costs.

Mr. Wilhelmsen moved to find in this case that the Respondents were in repeat violation of City Code as charged based on the Board's prior Order entered against the same Respondents for the same violation; that the Respondents brought the property into compliance on March 10, 2011; that a \$100.00 per day fine is imposed for the period of non-compliance from March 9, 2011 to March 10, 2011 totaling \$100.00; and pursuant to the provisions of controlling law, the Respondents shall pay Administrative Costs in the amount of \$150.00 to the City. Ms. Richardson seconded the motion.

Motion unanimously carried.

27. AI# 42

CASE NO. 2011031881 REPEAT

City of Palm Coast vs. John Francis & Lenora McMorrow

21 Ponce DeLeon Drive

(Palm Coast Code Section 44-34(f) Trailer/Boat Improperly Parked)

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The Respondent was not present. The Respondents were not present. Officer Romeo testified this is a repeat violation and the property is in compliance. Staff recommends a fine for the period of non-compliance and Administrative Costs.

Mr. Beck moved to find in this case that the Respondents were in repeat violation of City Code as charged based on the Board's prior Order entered against the same Respondents for the same violation; that the Respondents brought the property into compliance on March 29, 2011; that a \$100.00 per day fine is imposed for the period of non-compliance on March 29, 2011 totaling \$100.00; and pursuant to the provisions of controlling law, the Respondents shall pay Administrative Costs in the amount of \$150.00 to the City. Ms. Richardson seconded the motion.

Motion unanimously carried.

28. AI# 44

CASE NO. 2011020182

City of Palm Coast vs. Kelly Martin

20 Post Tree Lane

(Palm Coast Code Section 44-34 (c) Parking of Trailer in Residential Dist.)

Code Enforcement Officer Romeo presented case history and paperwork into evidence. The Respondent was not present. Officer Romeo testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs.

Mr. Allard moved to find in this case that the Respondent was in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation is now corrected; that any violation of the same code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State law for which a fine of up to \$5,000.00 per day may be imposed; and pursuant to the provisions of controlling law, the Respondent shall pay Administrative Costs in the amount of \$150.00 to the City. Mr. Wilhelmsen seconded the motion.

Motion unanimously carried.

29. **AI# 47**
CASE NO. 2011021155
City of Palm Coast vs. Hoai T. Strusberg
4 Linden Place
*(Palm Coast Code Section 35-76 (d)(1) Nuisance-Overgrown Conditions-
Grass/Weeds)*

Code Enforcement Supervisor Donovan presented case history and paperwork into evidence. The Respondent was not present. Supervisor Donovan testified the property remains in violation. Staff recommends a Fine Violation Order and Administrative Costs.

Mr. Wilhelmsen moved to find in this case that the Respondent is in violation of the City Code as charged; that the Respondent correct the violation no later than five (5) days after this Order is entered in writing; that in the event the Respondent does not comply with the Order, a fine in the amount of \$50.00 will be imposed for each and every day the violation continues past the aforesaid date; that the Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order; and pursuant to the provisions of controlling law, the Respondent shall pay Administrative Costs in the amount of \$150.00 to the City. Ms. Richardson seconded the motion.

Motion unanimously carried.

UNFINISHED BUSINESS:

None to report.

OLD BUSINESS:

None to report.

NEW BUSINESS:

Ms. Richardson commended Mr. Mugford for doing a good job of conducting the meeting in Mr. Klinkenberg's absence.

ANNOUNCEMENT OF NEXT MEETING:

Next Code Board Meeting – June 1, 2011

ADJOURNMENT

The meeting was adjourned.

Respectfully submitted,

Yvonne Robinson

**Yvonne Robinson
Secretary to the Board**

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact Wendy Cullen, at 386-986-3720 at least 48 hours prior to the meeting or visit Palm Coast City Offices, 160 Cypress Point Parkway, Suite B-106, Palm Coast, FL 32164. If any person decides to appeal a decision made by the Code Enforcement Board with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made. The City of Palm Coast is not responsible for any mechanical failure of recording equipment.

All pagers and cell phones are to remain OFF while the Code Enforcement Board hearing is in session.