

CODE ENFORCEMENT BOARD
Wednesday, January 8, 2014 at 9:00 a.m.
Palm Coast Community Center
City Council Meeting Room
305 Palm Coast Parkway NE, Palm Coast, Florida

MEMBERS PRESENT: Kenneth Klinkenberg, Norman Mugford, Dean Roberts, Robert Branin, Neil Copeland, Ed Allen

EXCUSED: Tameka McDowell

STAFF MEMBERS PRESENT: Code Enforcement Supervisor Donovan, Code Enforcement Officers Romeo, MacDonald, Festa, Arena, Ballard, Hadden, Mendez, Sagala, Fitzgerald, Esposito, Sr. Staff Assistant Wry and Debra Babb-Nutcher, Counsel

A. Call to Order and Pledge of Allegiance.

The meeting was called to order at 9:00 a.m. by Mr. 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 December 4, 2013 Meeting Minutes.

The minutes were unanimously approved.

D. Disclosure of Ex-Parte Communications.

None to report.

E. Swearing-in of Staff. Code Enforcement Supervisor Donovan, Code Enforcement Officers Romeo, MacDonald, Festa, Arena, Ballard, Hadden, Mendez, Sagala, Fitzgerald, Esposito, Sr. Staff Assistant Wry were sworn in by Debra Babb-Nutcher, Counsel.

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G. Withdrawn Cases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# 6	CASE NO. 2013081634 - 33 Lancaster Lane
AI# 18	CASE NO. 2013110725 - 294 Parkview Drive
AI# 19	CASE NO. 2013052002 - 15 Pickering Drive
AI# 21	CASE NO. 2013051597 - 27 Pine Hill Lane
AI# 22	CASE NO. 2013030852 - 35 Prince Anthony Lane
AI# 23	CASE NO. 2013052348 - 10 Prospect Lane
AI# 27	CASE NO. 2013070037 - 45 Whippoorwill Drive
AI# 30	CASE NO. 2013091741 - 33 Woodholme Lane
AI# 32	CASE NO.2013063144 - 41 Edith Pope Drive

1. AI# 5

CASE NO. 2013110765 RECURRING JF

City of Palm Coast vs. Rosalie Williams

23 Rymen Lane

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

Code Enforcement Officer Festa presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Festa testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs. Property Manager Sunny Yellen of Sun First Realty, presented her side.

Mr. Klinkenberg 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. The Respondent shall pay Administrative Costs to the City in the amount of \$46.00. Mr. Roberts seconded the motion.

Roll was called:

Mr. Roberts – Yes

Mr. Klinkenberg – Yes

Mr. Allen – Yes

Mr. Mugford - Yes

Mr. Copeland - Yes

Mr. Branin – Yes

Motion unanimously carried.

2. AI# 15

CASE NO. 2013100790 LM

City of Palm Coast vs. Charles R. Lee, Life Estate

147 Birchwood Drive

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

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

Mr. Allen 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. The Respondent shall pay Administrative Costs to the City in the amount of \$46.00. Mr. Roberts seconded the motion.

Roll was called:

Mr. Roberts – Yes
Mr. Klinkenberg – Yes
Mr. Allen – Yes

Mr. Mugford - Yes
Mr. Copeland - Yes
Mr. Branin – Yes

Motion unanimously carried.

3. AI# 8

CASE NO. 2013110353 RECURRING BMD

City of Palm Coast vs. Mark D. Eidman, Jr.

4 Larkspur Way

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

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

Mr. Roberts 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. The Respondent shall pay Administrative Costs to the City in the amount of \$46.00. Mr. Branin seconded the motion.

Roll was called:

Mr. Roberts – Yes
Mr. Klinkenberg – Yes
Mr. Allen – Yes

Mr. Mugford - Yes
Mr. Copeland - Yes
Mr. Branin – Yes

Motion unanimously carried.

4. AI# 13

CASE NO. 2013110375 RECURRING LM

City of Palm Coast vs. Darlene A. Falvey

50 Berkshire Lane

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

Code Enforcement Officer Mendez presented case history, paperwork, and photos into evidence. The evidence was shown to the Respondent. Officer Mendez testified the property is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation and Administrative Costs. William Miller, husband of Respondent, presented his side.

Mr. Klinkenberg 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 was corrected; that the violation recurred; 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. The Respondent shall pay Administrative Costs to the City in the amount of \$46.00. Mr. Roberts seconded the motion.

Roll was called:

Mr. Roberts – Yes
Mr. Klinkenberg – Yes
Mr. Allen – Yes

Mr. Mugford - Yes
Mr. Copeland - Yes
Mr. Branin – Yes

Motion unanimously carried.

5. AI# 7

CASE NO. 2013110046 BMD
City of Palm Coast vs. James J. Pigninelli
65 Laramie Drive
(Palm Coast Code Section 15-108(g) Fence Maintenance)

Code Enforcement Officer MacDonald presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer MacDonald testified the property remains in violation. Staff recommends a Fine – Violation Order and Administrative Costs. James Pigninelli, Respondent, presented his side.

Mr. Roberts 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 ten (10) 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 \$100.00 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. The Respondent shall pay Administrative Costs to the City in the amount of \$61.50. Mr. Allen seconded the motion.

Roll was called:

Mr. Roberts – Yes
Mr. Klinkenberg – Yes
Mr. Allen – Yes

Mr. Mugford - Yes
Mr. Copeland - Yes
Mr. Branin – Yes

Motion unanimously carried.

6. AI# 26

CASE NO. 2013110283 **RECURRING** BR
City of Palm Coast vs. 63 Wellwater LLC
63 Wellwater Drive
(Palm Coast Code Section 15-108(h) Inoperable Vehicle)

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 – Recurring Violation and Administrative Costs.

Mr. Klinkenberg 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 was corrected; that the violation recurred; 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. The Respondent shall pay Administrative Costs to the City in the amount of \$46.00. Mr. Roberts seconded the motion.

Roll was called:

Mr. Roberts – Yes	Mr. Mugford - Yes
Mr. Klinkenberg – Yes	Mr. Copeland - Yes
Mr. Allen – Yes	Mr. Branin – Yes

Motion unanimously carried.

7. AI# 14

CASE NO. 2013110373 RECURRING LM

City of Palm Coast vs. David H. & Loretta L. Davenport

98 Berkshire Lane

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

Code Enforcement Officer Mendez presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Mendez testified the property is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation and Administrative Costs. David Davenport, Respondent, presented his side.

Mr. Roberts 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 was corrected; that the violation recurred; 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. The Respondent shall pay Administrative Costs to the City in the amount of \$46.00. Mr. Branin seconded the motion.

Roll was called:

Mr. Roberts – Yes	Mr. Mugford - Yes
Mr. Klinkenberg – Yes	Mr. Copeland - Yes
Mr. Allen – Yes	Mr. Branin – Yes

Motion unanimously carried.

8. AI# 16

CASE NO. 2013091091 RECURRING LM

City of Palm Coast vs. Alice M. Fredrickson

61 Brunswick Lane

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

Code Enforcement Officer Mendez presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Mendez testified the property remains in violation. Staff recommends a Fine - Violation Order and Administrative Costs. William Freese, speaking for Respondent, presented his side.

Mr. Allen 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 one (1) 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 \$100.00 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. The Respondent shall pay Administrative Costs to the City in the amount of \$61.50. Mr. Roberts seconded the motion.

Roll was called:

Mr. Roberts – Yes

Mr. Klinkenberg – Yes

Mr. Allen – Yes

Mr. Mugford - Yes

Mr. Copeland - Yes

Mr. Branin – Yes

Motion unanimously carried.

9. AI# 1

CASE NO. 2013120015 RECURRING MB

City of Palm Coast vs. Frances Souza

17 Fort Caroline Lane

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

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

Mr. Roberts 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 was corrected; that the violation recurred; 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. The Respondent shall pay Administrative Costs to the City in the amount of \$46.00. Mr. Branin seconded the motion.

Roll was called:

Mr. Roberts – Yes

Mr. Klinkenberg – Yes

Mr. Allen – Yes

Mr. Mugford - Yes

Mr. Copeland - Yes

Mr. Branin – Yes

Motion unanimously carried.

10. AI# 2

CASE NO. 2013110533

PA

City of Palm Coast vs. Jason C. & Helen E. Johnson

1 Clermont Court

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

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

Mr. Branin 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 \$25.00 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. The Respondent shall pay Administrative Costs to the City in the amount of \$61.50. Mr. Copeland seconded the motion.

Roll was called:

Mr. Roberts – Yes

Mr. Klinkenberg – Yes

Mr. Allen – Yes

Mr. Mugford - Yes

Mr. Copeland - Yes

Mr. Branin – Yes

Motion unanimously carried.

11. AI# 3

CASE NO. 2013120012

RECURRING

RS

City of Palm Coast vs. Yvette Debellotte-Sinclair, Trustee

7 Blaketown Place

(Palm Coast Code Section 15-114(a) Rubbish/Trash/Garbage)

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. Roberts 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 aforesated date; that the Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order. The Respondent shall pay Administrative Costs to the City in the amount of \$61.50. Mr. Branin seconded the motion.

Roll was called:

Mr. Roberts – Yes
Mr. Klinkenberg – Yes
Mr. Allen – Yes

Mr. Mugford - Yes
Mr. Copeland - Yes
Mr. Branin – Yes

Motion unanimously carried.

12. AI# 4

CASE NO. 2013091058 JF
City of Palm Coast vs. Joyce Youshock
24 Ryley Lane
(Palm Coast Code Section 17-39(a) Residential Rental Program)

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

Mr. Branin 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 ten (10) 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 \$25.00 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. The Respondent shall pay Administrative Costs to the City in the amount of \$61.50. Mr. Copeland seconded the motion.

Roll was called:

Mr. Roberts – Yes
Mr. Klinkenberg – Yes
Mr. Allen – Yes

Mr. Mugford - Yes
Mr. Copeland - Yes
Mr. Branin – Yes

Motion unanimously carried.

13. AI# 9

CASE NO. 2013090515 REPEAT LF
City of Palm Coast vs. Joseph Patten & Ashley Phillips
18 Llacer Place
(Palm Coast Code Section 44-34(d)(2) Parking of Boat/Trailer)

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

Mr. Allen 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 November 23, 2013; that a \$100.00 per day fine is imposed for the period of non-compliance from

September 9, 2013 to November 22, 2013; totaling \$7,500.00. The Respondent shall pay Administrative Costs to the City in the amount of \$62.00. Mr. Copeland seconded the motion.

Roll was called:

Mr. Roberts – Yes

Mr. Klinkenberg – Yes

Mr. Allen – Yes

Mr. Mugford - Yes

Mr. Copeland - Yes

Mr. Branin – Yes

Motion unanimously carried.

14. AI# 10

CASE NO. 2013110739 RECURRING LF

City of Palm Coast vs. Justin Jackson

51 Llewellyn Trail

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

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

Mr. Branin 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 was corrected; that the violation recurred; 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. The Respondent shall pay Administrative Costs to the City in the amount of \$46.00. Mr. Roberts seconded the motion.

Roll was called:

Mr. Roberts – Yes

Mr. Klinkenberg – Yes

Mr. Allen – Yes

Mr. Mugford - Yes

Mr. Copeland - Yes

Mr. Branin – Yes

Motion unanimously carried.

15. AI# 11

CASE NO. 2013070795 MASSEY LF

City of Palm Coast vs. J & D Copsy Enterprises, Inc

57 Zinnia Trail

(Land Development Code 11.02.05 Lot Re-grade with out Permit)

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

Mr. Roberts moved to find in this case that the Respondent was in violation of the City Code as charged; that the Respondent failed to correct the violation by the time specified for correction by the Code Enforcement Board in the Board's Order entered into evidence in this case; that the Respondent has not brought the property into compliance; that a \$50.00 per day fine is imposed for the period of non-compliance from October 16, 2013 to January 7, 2014; totaling \$4,200.00; and that a fine of \$50.00 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. The Respondent shall pay Administrative Costs to the City in the amount of \$62.00. When the property comes into compliance, an Affidavit of Compliance will be issued. If the Respondent does not pay the fine or request a hearing within twenty (20) days from the date of the Affidavit, an additional amount of \$33.40 will be added for Administrative Costs. Mr. Klinkenberg seconded the motion.

Roll was called:

Mr. Roberts – Yes

Mr. Klinkenberg – Yes

Mr. Allen – Yes

Mr. Mugford - Yes

Mr. Copeland - Yes

Mr. Branin – Yes

Motion unanimously carried.

16. AI# 12

CASE NO. 2013080604 MASSEY LF

City of Palm Coast vs. Marion S. Rocco

18 Zonal Court

(Palm Coast Code Section 15-1 No Permit for Fence)

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

Mr. Klinkenberg moved to find in this case that the Respondent was in violation of the City Code as charged; that the Respondent failed to correct the violation by the time specified for correction by the Code Enforcement Board in the Board's Order entered into evidence in this case; that the Respondent has not brought the property into compliance; that a \$50.00 per day fine is imposed for the period of non-compliance from November 13, 2013 to January 7, 2014; totaling \$2,800.00; and that a fine of \$50.00 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. The Respondent shall pay Administrative Costs to the City in the amount of \$62.00. When the property comes into compliance, an Affidavit of Compliance will be issued. If the Respondent does not pay the fine or request a hearing within twenty (20) days from the date of the Affidavit, an additional amount of \$33.40 will be added for Administrative Costs. Mr. Roberts seconded the motion.

Roll was called:

Mr. Roberts – Yes
Mr. Klinkenberg – Yes
Mr. Allen – Yes

Mr. Mugford - Yes
Mr. Copeland - Yes
Mr. Branin – Yes

Motion unanimously carried.

17. AI# 17

CASE NO. 2013110379 RECURRING LM

City of Palm Coast vs. Serhij Moskalenko

3 Burning View Lane

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

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

Mr. Roberts 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 was corrected; that the violation recurred; 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. The Respondent shall pay Administrative Costs to the City in the amount of \$46.00. Mr. Allen seconded the motion.

Roll was called:

Mr. Roberts – Yes
Mr. Klinkenberg – Yes
Mr. Allen – Yes

Mr. Mugford - Yes
Mr. Copeland - Yes
Mr. Branin – Yes

Motion unanimously carried.

18. AI# 20

CASE NO. 2013031212 MH

City of Palm Coast vs. Todd & Debra A. Dabkowski

16 Pickston Lane

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

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

Mr. Branin 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. The Respondent shall pay Administrative Costs to the City in the amount of \$61.50. Mr. Roberts seconded the motion.

Roll was called:

Mr. Roberts – Yes

Mr. Klinkenberg – Yes

Mr. Allen – Yes

Mr. Mugford - Yes

Mr. Copeland - Yes

Mr. Branin – Yes

Motion unanimously carried.

19. AI# 24

CASE NO. 2013091627 REPEAT BR

City of Palm Coast vs. Michelle Ann & Christopher J. Morton

2 Poinbury Drive

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

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

Mr. Branin 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 September 29, 2013; that a \$100.00 per day fine is imposed for the period of non-compliance from September 25, 2013 to September 28, 2013; totaling \$400.00. The Respondent shall pay Administrative Costs to the City in the amount of \$62.00. Mr. Roberts seconded the motion.

Roll was called:

Mr. Roberts – Yes

Mr. Klinkenberg – Yes

Mr. Allen – Yes

Mr. Mugford - Yes

Mr. Copeland - Yes

Mr. Branin – Yes

Motion unanimously carried.

20. AI# 25

CASE NO. 2013100623 RECURRING BR

City of Palm Coast vs. Henry A. & Donna M. Rosenfield & Ryan J. Lecuyer

9 Porpoise Lane

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

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

Mr. Roberts 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 was corrected; that the violation recurred; 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. The Respondent shall pay Administrative Costs to the City in the amount of \$46.00. Mr. Branin seconded the motion.

Roll was called:

Mr. Roberts – Yes

Mr. Klinkenberg – Yes

Mr. Allen – Yes

Mr. Mugford - Yes

Mr. Copeland - Yes

Mr. Branin – Yes

Motion unanimously carried.

21. AI# 28

CASE NO. 2013110280 REPEAT BR

City of Palm Coast vs. Alton & Deborah Svitzer

4 Whittier Lane

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

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

Mr. Branin 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 November 9, 2013; that a \$150.00 per day fine is imposed for the period of non-compliance from November 7 to November 8, 2013; totaling \$300.00. The Respondent shall pay Administrative Costs to the City in the amount of \$62.00. Mr. Copeland seconded the motion.

Roll was called:

Mr. Roberts – Yes

Mr. Klinkenberg – Yes

Mr. Allen – Yes

Mr. Mugford - Yes

Mr. Copeland - Yes

Mr. Branin – Yes

Motion unanimously carried.

22. AI# 29

CASE NO. 2013040059 MASSEY BR

City of Palm Coast vs. Equity Trust Co. FBO David J. Centracchio IRA

21 Wood Acre Lane

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

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

Mr. Copeland moved to find in this case that Respondent was in violation of the City Code as charged; that the Respondent failed to correct the violation by the time specified for correction by the Code Enforcement Board in the Board's Order entered into evidence in this case; that the Respondent brought the property into compliance on December 20, 2013; that a \$50.00 per day fine is imposed for the period of non-compliance from September 16, 2013 to December 19, 2013; totaling \$5,200.00. The Respondent shall pay Administrative Costs to the City in the amount of \$62.00. Mr. Roberts seconded the motion.

Roll was called:

Mr. Roberts – Yes

Mr. Klinkenberg – Yes

Mr. Allen – Yes

Mr. Mugford - Yes

Mr. Copeland - Yes

Mr. Branin – Yes

Motion unanimously carried.

23. AI# 31

CASE NO. 2013020036 MASSEY MD

City of Palm Coast vs. Stefan Karnis

12 Eagle Harbor Trail

(Palm Coast Code Section 35-76(d)(1) Nuisance-Broken Garage Door)

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

Mr. Branin moved to find in this case that the Respondent was in violation of the City Code as charged; that the Respondent failed to correct the violation by the time specified for correction by the Code Enforcement Board in the Board's Order entered into evidence in this case; that the Respondent has not brought the property into compliance; that a \$50.00 per day fine is imposed for the period of non-compliance from April 20, 2013 to January 7, 2014; totaling \$13,000.00; and that a fine of \$50.00 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. The Respondent shall pay Administrative Costs to the City in the amount of \$62.00. When the property comes into compliance, an Affidavit of Compliance will be issued. If the Respondent does not pay the fine or request a hearing within twenty (20) days from the date of the Affidavit, an additional amount of \$33.40 will be added for Administrative Costs. Mr. Allen seconded the motion.

Roll was called:

Mr. Roberts – Yes

Mr. Klinkenberg – Yes

Mr. Allen – Yes

Mr. Mugford - Yes

Mr. Copeland - Yes

Mr. Branin – Yes

Motion unanimously carried.

24. AI# 33

CASE NO. 2013051116 ME

City of Palm Coast vs. Nathaniel Moss

8 Floral Court

(Palm Coast Code Section 15-107(a)(1(b) Rebuild or Demolish Structure)

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

Mr. Klinkenberg 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 thirty (30) days after this Order is entered in writing by obtaining a permit for demolition; that in the event the Respondent does not comply with the Order, a fine in the amount of \$1,000.00 per day will be imposed for each and every day the violation continues past the aforesated date. The Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order. The Respondent shall pay Administrative Costs to the City in the amount of \$61.50. Mr. Copeland seconded the motion.

Roll was called:

Mr. Roberts – Yes

Mr. Klinkenberg – Yes

Mr. Allen – Yes

Mr. Mugford - Yes

Mr. Copeland - Yes

Mr. Branin – Yes

Motion unanimously carried.

UNFINISHED BUSINESS

None to report.

NEW BUSINESS

None to report.

OLD BUSINESS

A citizen wished to speak regarding a previously heard case and was informed the Code Enforcement Board meeting is not a public forum and, therefore, he would not be permitted to discuss the case.

ANNOUNCEMENT OF NEXT MEETING:

Next Code Board Meeting – February 5, 2014.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:12 a.m.

Respectfully submitted,

**Carol Hickey
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.