

**CODE ENFORCEMENT BOARD**  
**Wednesday, April 2, 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, Gerry Chagnon, Tameka McDowell

**EXCUSED:** Robert Branin, Neil Copeland

**STAFF MEMBERS PRESENT:** Code Enforcement Manager Grossman, Supervisor Donovan, Code Enforcement Officers Romeo, Sagala, Fitzgerald, Colasanti, MacDonald, Ballard, Mendez, Festa, Staff Asst. 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 five (5) members present.

**C. Approval of the March 12, 2014 Meeting Minutes.**

The minutes were unanimously approved.

**D. Disclosure of Ex-Parte Communications.**

None to report.

**E. Swearing-in of Staff. Code Enforcement Manager Grossman, Supervisor Donovan, Code Enforcement Officers Romeo, Sagala, Fitzgerald, Colasanti, MacDonald, Ballard, Mendez, Festa, Staff Asst. 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**G. Withdrawn Cases**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# 2** CASE NO. 2013120459 - *76 Club House Drive*  
**AI# 4** CASE NO. 2013100443 - *53 Zebulahs Trail*  
**AI# 9** CASE NO. 2014010852 - *6 Ricker Place*  
**AI# 14** CASE NO. 2014010499 - *1 Cooper Lane*  
**AI# 15** CASE NO. 2014020531 - *3 Foxhall Court*  
**AI# 16** CASE NO. 2014020624 - *23 Patchogue Lane*  
**AI# 17** CASE NO. 2013031212 - *16 Pickston Lane*  
**AI# 18** CASE NO. 2013010988 - *40 Pine Brook Drive*  
**AI# 19** CASE NO. 2013081822 - *10 Pineland Lane*  
**AI# 20** CASE NO. 2013091631 - *9 Plateau Lane*  
**AI# 23** CASE NO. 2014010217 - *56 Brunswick Lane*

AI# 27           CASE NO. 2014010478 - 38 Rickenbacker Drive  
AI# 29           CASE NO. 2014010668 - 8 Emmons Lane  
AI# 31A          CASE NO. 2014010634 - 52 Pheasant Drive  
AI# 31B          CASE NO. 2014010635 - 52 Pheasant Drive  
AI# 35           CASE NO. 2014010676 - 45 Whitcock Lane

1. AI# 39

**CASE NO. 2014020240       REPEAT**   MD  
*City of Palm Coast vs. Michelle Stelmack*  
**30 Egan Drive**  
*(Palm Coast Code Section 44-34(c) Parking of Trailer in Residential District)*

Code Enforcement Supervisor Donovan presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Supervisor Donovan testified the property is in compliance. Staff recommends a fine for the period of non-compliance and Administrative Costs. Ray Clarnicki, husband of Respondent, presented his side.

**Mr. Klinkenberg 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 21, 2014, that a fine of \$100.00 is imposed for the period of non-compliance. The Respondent shall pay Administrative Costs to the City in the amount of \$62.00. Mr. Chagnon seconded the motion.**

**Roll was called:**

<b>Mr. Chagnon – Yes</b>	<b>Mr. Roberts - Yes</b>
<b>Mr. Klinkenberg – Yes</b>	<b>Mrs. McDowell - No</b>
<b>Mr. Mugford – Yes</b>	

**Motion carried 4/1.**

2. AI# 28

**CASE NO. 2014020058       RECURRING**   LM  
*City of Palm Coast vs. Vladimir Nesterenko*  
**41 Rickenbacker Drive**  
*(Palm Coast Code Section 44-34(c) Parking of Comm. Veh. In Residential District)*

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. Yelena Lezhauer, Property Manager, 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 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. Chagnon – Yes  
Mr. Klinkenberg – Yes  
Mr. Mugford – Yes**

**Mr. Roberts - Yes  
Mrs. McDowell - Yes**

**Motion unanimously carried.**

**3. AI# 26**

**CASE NO. 2014010188 REPEAT LM**

*City of Palm Coast vs. Charles E. & Shirley A. Smith - Life Estate  
164 Parkview Drive*

*(Palm Coast Code Section 44-34(c) Parking of Comm. Veh. In Residential District*

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 fine for the period of non-compliance and Administrative Costs. Francesca Harvey, daughter of Respondent, presented her side.

**Mr. Klinkenberg 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 January 8, 2014; that a \$100.00 per day fine is imposed for the period of non-compliance from January 6, 2014 to January 7, 2014; totaling \$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. Chagnon – Yes  
Mr. Klinkenberg – Yes  
Mr. Mugford – Yes**

**Mr. Roberts - Yes  
Mrs. McDowell - Yes**

**Motion unanimously carried.**

**4. AI# 11**

**CASE NO. 2013090053 REDUCTION BMD**

*City of Palm Coast vs. Marcia Demelo Ducharme*

*3 Birdseye Place*

*(Palm Coast Code Section 15-108(d) Weeds/Overgrowth)*

Property Manager Cindy Cosca was sworn in and presented the request for reduction for the property owner.

**Mr. Klinkenberg moved that the fine be reduced from \$3,512.00 to \$500.00, and that the Respondent has thirty (30) days to pay the reduced amount. If not paid by that date, the fine**

shall revert to the amount now due and all requested relief shall be deemed denied. Mrs. McDowell seconded the motion.

Roll was called:

Mr. Chagnon – Yes  
Mr. Klinkenberg – Yes  
Mr. Mugford – Yes

Mr. Roberts - Yes  
Mrs. McDowell - Yes

Motion unanimously carried.

5. AI# 36

CASE NO. 2014020132      **RECURRING**      BR

*City of Palm Coast vs. Terrence & Marjorie E. Scott*

**22 Woodston Lane**

*(Palm Coast Code Section 44-34(c) Parking of Comm. Veh. In Residential District)*

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. Terrence Scott, 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. Chagnon seconded the motion**

Roll was called:

Mr. Chagnon – Yes  
Mr. Klinkenberg – Yes  
Mr. Mugford – Yes

Mr. Roberts - Yes  
Mrs. McDowell - Yes

Motion unanimously carried.

6. AI# 22

CASE NO. 2014010777      LM

*City of Palm Coast vs. David P. Crocket, Life Estate*

**19 Brelyn Place**

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

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. David Crocket, Respondent, presented his side.

**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 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. Chagnon seconded the motion.**

**Roll was called:**

**Mr. Chagnon – Yes  
Mr. Klinkenberg – Yes  
Mr. Mugford – Yes**

**Mr. Roberts - Yes  
Mrs. McDowell - Yes**

**Motion unanimously carried.**

**7. AI# 25**

**CASE NO. 2014010776      RECURRING      LM**

*City of Palm Coast vs. Altajerjes & Teresa & Alan Perez*

**36 Parkview Drive**

*(Palm Coast Code Section 44-34(c) Parking of Comm. Veh. In Residential District)*

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. Officer Mendez interpreted for the Respondent with her permission (Teresa Perez). Mrs. Perez understood the violation and presented her side through Officer Mendez.

**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. Chagnon – Yes  
Mr. Klinkenberg – Yes  
Mr. Mugford – Yes**

**Mr. Roberts - Yes  
Mrs. McDowell - Yes**

**Motion unanimously carried.**

**8. AI# 34**

**CASE NO. 2014020186      RECURRING      BR**

*City of Palm Coast vs. Albert & Ilse E. McDougal*

**21 Waterford Place**

*(Palm Coast Code Section 15-108(c) Driveway in Disrepair)*

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Romeo testified the property remains in violation. Staff recommends a Fine – Violation Order and Administrative Costs. Robert McDougal, son of Respondent, presented his side. Code Enforcement Manager requested this case be continued.

**Mr. Klinkenberg moved to continue this case to the next available Code Enforcement Board meeting. Mrs. McDowell seconded the motion.**

**Roll was called:**

**Mr. Chagnon – Yes**

**Mr. Roberts - Yes**

**Mr. Klinkenberg – Yes**

**Mrs. McDowell - Yes**

**Mr. Mugford – Yes**

**Motion unanimously carried.**

**9. AI# 13A**

**CASE NO. 2014020561      RECURRING      MB**

*City of Palm Coast vs. James W. Barada*

**26 Carlson lane**

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

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. Chagnon seconded the motion**

**Roll was called:**

**Mr. Chagnon – Yes**

**Mr. Roberts - Yes**

**Mr. Klinkenberg – Yes**

**Mrs. McDowell - Yes**

**Mr. Mugford – Yes**

**Motion unanimously carried.**

**10. AI# 13B**

**CASE NO. 2014020633**

MB

*City of Palm Coast vs. James W. Barada*

**26 Carlson lane**

*(Palm Coast Code Section 35-76 Nuisance -Tires on Front of House)*

Code Enforcement Officer Ballard presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Ballard 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 one (1) day 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. Chagnon seconded the motion.**

**Roll was called:**

**Mr. Chagnon – Yes**

**Mr. Roberts - Yes**

**Mr. Klinkenberg – Yes**

**Mrs. McDowell - Yes**

**Mr. Mugford – Yes**

**Motion unanimously carried.**

**11. AI# 3**

**CASE NO. 2012020527**

JC

*City of Palm Coast vs. Dominic & Janice A. DeZego*

**5 Contee Court**

*(Palm Coast Code Section 15-1 No Permit for Work at Side of Residence)*

Code Enforcement Officer Colasanti presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Colasanti 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 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 \$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. Chagnon – Yes**  
**Mr. Klinkenberg – Yes**  
**Mr. Mugford – Yes**

**Mr. Roberts - Yes**  
**Mrs. McDowell - Yes**

**Motion unanimously carried.**

**12. AI# 5**

**CASE NO. 2014020063      RECURRING      LF**  
*City of Palm Coast vs. Luis Silva & Lillian Borges*  
**56 Zebulahs Trail**  
*(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 – 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 one (1) day 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. Mrs. McDowell seconded the motion.**

**Roll was called:**

**Mr. Chagnon – Yes**  
**Mr. Klinkenberg – Yes**  
**Mr. Mugford – Yes**

**Mr. Roberts - Yes**  
**Mrs. McDowell - Yes**

**Motion unanimously carried.**

**13. AI# 6**

**CASE NO. 2014010293      RS**  
*City of Palm Coast vs. Teixeira, Jorge & Cecilia*  
**6 Blakefield Drive**  
*(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 is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs.

**Mr. Klinkenberg moved to find in this case that 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. Chagnon – Yes  
Mr. Klinkenberg – Yes  
Mr. Mugford – Yes

Mr. Roberts - Yes  
Mrs. McDowell - Yes

Motion unanimously carried.

14. AI# 7

CASE NO. 2014020552      **RECURRING**      RS

*City of Palm Coast vs. Michael H. & Natalie Dienst*

**54 Blakemore Drive**

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

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 – 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. Klinkenberg seconded the motion.**

Roll was called:

Mr. Chagnon – Yes  
Mr. Klinkenberg – Yes  
Mr. Mugford – Yes

Mr. Roberts - Yes  
Mrs. McDowell - Yes

Motion unanimously carried.

15. AI# 8

CASE NO. 2014010245      JF

*City of Palm Coast vs. Gary E. & Elizabeth Anita Miller*

**7 Rae Drive**

*(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.

**Mrs. McDowell 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. Roberts seconded the motion.**

**Roll was called:**

**Mr. Chagnon – Yes  
Mr. Klinkenberg – Yes  
Mr. Mugford – Yes**

**Mr. Roberts - Yes  
Mrs. McDowell - Yes**

**Motion unanimously carried.**

**16. AI# 10**

**CASE NO. 2014020413      RECURRING      JF**

*City of Palm Coast vs. Jeff & Natalia Goykhman*

***11 Riverview Place***

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

Code Enforcement Officer Festa presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Festa 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. Chagnon seconded the motion.**

**Roll was called:**

**Mr. Chagnon – Yes  
Mr. Klinkenberg – Yes  
Mr. Mugford – Yes**

**Mr. Roberts - Yes  
Mrs. McDowell - Yes**

**Motion unanimously carried.**

**17. AI# 12A**

**CASE NO. 2014020399      REPEAT      BMD**

*City of Palm Coast vs. Michael Van Heusen*

***64 Burnell Drive***

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

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

**Mrs. McDowell 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 February 12, 2014; that a \$100.00 per day fine is imposed for the period of non-compliance from February 10, 2014 to February 11, 2014; totaling \$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. Chagnon – Yes  
Mr. Klinkenberg – Yes  
Mr. Mugford – Yes**

**Mr. Roberts - Yes  
Mrs. McDowell - Yes**

**Motion unanimously carried.**

**18. AI# 12B**

**CASE NO. 2014020400**

BMD

*City of Palm Coast vs. Michael Van Heusen*

**64 Burnell Drive**

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

Code Enforcement Officer MacDonald presented case history, paperwork and photos into evidence. The Respondent was not present. Officer MacDonald 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 one (1) day 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. Klinkenberg seconded the motion.**

**Roll was called:**

**Mr. Chagnon – Yes  
Mr. Klinkenberg – Yes  
Mr. Mugford – Yes**

**Mr. Roberts - Yes  
Mrs. McDowell - Yes**

**Motion unanimously carried.**

**19. AI# 21A**

**CASE NO. 2014010309 REPEAT LM**

*City of Palm Coast vs. Sean L. Bishop*

**3 Birchwood Place**

*(Palm Coast Code Section 44-34(d)(2) Parking of Trailer/RV)*

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 fine for the period of non-compliance and Administrative Costs.

**Mr. Klinkenberg 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 January 31, 2014; that a \$150.00 per day fine is imposed for the period of non-compliance from January 8, 2014 to January 30, 2014; totaling \$3,450.00. The Respondent shall pay Administrative Costs to the City in the amount of \$63.00. Mr. Roberts seconded the motion.**

**Roll was called:**

**Mr. Chagnon – Yes**

**Mr. Roberts - Yes**

**Mr. Klinkenberg – Yes**

**Mrs. McDowell - Yes**

**Mr. Mugford – Yes**

**Motion unanimously carried.**

**20. AI# 21B**

**CASE NO. 2014010310 REPEAT LM**

*City of Palm Coast vs. Sean L. Bishop*

**3 Birchwood Place**

*(Palm Coast Code Section 44-34(d)(2) Parking of Trailer/RV)*

Code Enforcement Officer Mendez presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Mendez 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 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 as of April 2, 2014; that a \$150.00 per day fine is imposed for the period of non-compliance from January 8, 2014 to April 2, 2014; totaling \$12,600.00; that a fine of \$150.00 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 \$63.00. Mr. Roberts seconded the motion.**

**Roll was called:**

**Mr. Chagnon – Yes**  
**Mr. Klinkenberg – Yes**  
**Mr. Mugford – Yes**

**Mr. Roberts - Yes**  
**Mrs. McDowell - Yes**

**Motion unanimously carried.**

**21. AI# 30**

**CASE NO. 2014010775 REPEAT** BR  
*City of Palm Coast vs. Jason Hambrick*  
**18 Emmons Lane**  
*(Palm Coast Code Section 44-34(c) Parking Boat/Trailer)*

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.

**Mrs. McDowell 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 February 9, 2014; that a \$200.00 per day fine is imposed for the period of non-compliance from January 25, 2014 to February 8, 2014; totaling \$2,400.00. The Respondent shall pay Administrative Costs to the City in the amount of \$63.75. Mr. Roberts seconded the motion.**

**Roll was called:**

**Mr. Chagnon – Yes**  
**Mr. Klinkenberg – Yes**  
**Mr. Mugford – Yes**

**Mr. Roberts - Yes**  
**Mrs. McDowell - Yes**

**Motion unanimously carried.**

**22. AI# 32**

**CASE NO. 2014020162 RECURRING** BR  
*City of Palm Coast vs. Daniel Enriquez & Suria Hernandez*  
**60 Pheasant Drive**  
*(Palm Coast Code Section 44-34(f) Vehicle & Trailer Improperly Parked)*

Code Enforcement Officer Romeo presented case history, paperwork and photos 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. 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 one (1) day 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. Chagnon seconded the motion.**

**Roll was called:**

**Mr. Chagnon – Yes  
Mr. Klinkenberg – Yes  
Mr. Mugford – Yes**

**Mr. Roberts - Yes  
Mrs. McDowell - Yes**

**Motion unanimously carried.**

**23. AI# 33**

**CASE NO. 2013101430      REDUCTION      BR**

*City of Palm Coast vs. Aguilar, Gerardo A.*

**58 Post View Drive**

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

Code Enforcement Officer Romeo stated the Respondent is not present.

**Mr. Klinkenberg moved the request for reduction be denied. Mr. Chagnon seconded the motion.**

**Roll was called:**

**Mr. Chagnon – Yes  
Mr. Klinkenberg – Yes  
Mr. Mugford – Yes**

**Mr. Roberts - Yes  
Mrs. McDowell - Yes**

**Motion unanimously carried.**

**24. AI# 37**

**CASE NO. 2014011200      RECURRING      BR**

*City of Palm Coast vs. Altaf Shamji*

**81 Wynnfield Drive**

*(Palm Coast Code Section 44-34(c ) Parking of Comm. Veh. 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. 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. Chagnon seconded the motion.**

**Roll was called:**

**Mr. Chagnon – Yes**  
**Mr. Klinkenberg – Yes**  
**Mr. Mugford – Yes**

**Mr. Roberts - Yes**  
**Mrs. McDowell - Yes**

**Motion unanimously carried.**

**25. AI# 38**

**CASE NO. 2013020921      MASSEY** MD  
*City of Palm Coast vs. Volodymyr Pivovarskiy*  
**8 East Diamond Drive**  
*(Palm Coast Code Section 17-39(a) Residential Rental Program)*

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. 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 \$25.00 per day fine is imposed for the period of non-compliance from April 15, 2013 to March 31, 2014; totaling \$8,725.00; and that a fine of \$25.00 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. Mrs. McDowell seconded the motion.**

**Roll was called:**

**Mr. Chagnon – Yes**  
**Mr. Klinkenberg – Yes**  
**Mr. Mugford – Yes**

**Mr. Roberts - Yes**  
**Mrs. McDowell - Yes**

**Motion unanimously carried.**

**26. AI# 40**

**CASE NO. 2014010238** MD  
*City of Palm Coast vs. Bonnie G. & David A. Hobbs, Trustees*  
**113 Farragut Drive**  
*(Palm Coast Code Section 17-39(a) Residential Rental Program)*

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 – 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 one (1) day 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. Roberts seconded the motion.**

**Roll was called:**

**Mr. Chagnon – Yes  
Mr. Klinkenberg – Yes  
Mr. Mugford – Yes**

**Mr. Roberts - Yes  
Mrs. McDowell - Yes**

**Motion unanimously carried.**

#### **UNFINISHED BUSINESS**

None to report.

#### **NEW BUSINESS**

Chairman Mugford thanked the Secretary for her assistance to the Code Enforcement Board. Ms. Hickey will be retiring at the end of the month and wished her well. He introduced Yvonne Robinson who will be acting as the Secretary to the Board.

Mr. Klinkenberg questioned whether parking of recreational vehicles is permitted in commercial parking lots. He was advised that parking of recreational vehicles overnight at businesses throughout the City is a violation and action will be taken to correct that violation.

Chairman Mugford stated he has noticed commercial vehicle violations increasing and suggested a reminder be placed in the City newsletter.

#### **ANNOUNCEMENT OF NEXT MEETING:**

**Next Code Board Meeting – May 7, 2014.**

#### **ADJOURNMENT**

**There being no further business, the meeting was adjourned at 11.20 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.*