

CODE ENFORCEMENT BOARD
Wednesday, August 6, 2014 at 9:00 a.m.
Palm Coast Community Center
City Council Meeting Room
305 Palm Coast Parkway NE, Palm Coast, Florida

MEMBERS PRESENT: Robert Branin, Gerry Chagnon, Neil Copeland, Kenneth Klinkenberg, Tameka McDowell, Norman Mugford, Dean Roberts

STAFF MEMBERS PRESENT: Code Enforcement Manager Grossman, Supervisor Donovan, Code Enforcement Officers Festa, Fitzgerald, Hadden, Mendez, Romeo, Sr. Staff Asst. Wry, Debra Babb-Nutcher, Counsel and Bill Reischmann, City Attorney

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 seven (7) members present.

C. Approval of the July 2, 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 Festa, Fitzgerald, Hadden, Mendez, Romeo and Sr. 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G. Withdrawn Cases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# 1 CASE NO. 2014040690 - 11 Lindberg Place
AI# 3 CASE NO. 2014051897 - 31 Blare Drive
AI# 4 CASE NO. 2014041666 - 160 Cypress Point Parkway
AI# 7B CASE NO. 2014041877 - 5 Carlson Court
AI# 9 CASE NO. 2014030418 - 31 Parkview Drive
AI# 13 CASE NO. 2014041705 - 31 Pillory Lane
AI# 14 CASE NO. 2014041725 - 1 Plumtree Place (A)
AI# 18 CASE NO. 2014050251 - 5 Rainrock Place
AI# 20 CASE NO. 2014031239 - 2 Ricardo Place
AI# 21 CASE NO. 2014031591 - 46 Rickenbacker Drive
AI# 22 CASE NO. 2014040155 - 82 Robinson Drive
AI# 23 CASE NO. 2014051912 - 26 Ryder Drive

AI# 25 CASE NO. 2014050664 - 12 Banner Lane
AI# 29 CASE NO. 2014050584 - 23 Brian Lane
AI# 30 CASE NO. 2014050582 - 32 Brian Lane
AI# 31 CASE NO. 2014050585 - 19 Brittany Lane (B)
AI# 33 CASE NO. 2014051529 - 73 Burroughs Drive
AI# 34A CASE NO. 2014050093 - 31 Bradmore Lane
AI# 34B CASE NO. 2014050094 - 31 Bradmore Lane
AI# 35 CASE NO. 2014041871 - 77 Brewster Lane
AI# 36 CASE NO. 2014050529 - 1 Brice Lane

1. AI# 32

CASE NO. 2014051532 RECURRING LM

City of Palm Coast vs. Roman Kupinski

72 Burroughs Drive

(Palm Coast Code Section 44-34(c) Parking of Commercial Vehicle in Res. 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. Respondent, Ewegenia Baskin (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 \$53.50. Mr. Chagnon seconded the motion

Roll was called:

Mr. Roberts - Yes

Mr. Chagnon – Yes

Mr. Mugford - Yes

Mr. Copeland - Yes

Mr. Branin - Yes

Mr. Klinkenberg - Yes

Mrs. McDowell – Yes

Motion unanimously carried.

2. AI# 15A

CASE NO. 2014031501 RECURRING BR

City of Palm Coast vs. Hua Liu & Dian Liang

156 Point Pleasant Drive

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

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The evidence was shown to the Respondents. Officer Romeo testified the property is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation and

Administrative Costs. Jennifer Peligrino (Daughter-in-Law) Respondent presented her side on behalf of owner Dian Liang.

Mr. Roberts 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 was corrected; that the violation recurred; 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. The Respondents shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Copeland seconded the motion

Roll was called:

**Mr. Roberts - Yes
Mr. Chagnon - Yes
Mr. Mugford - Yes
Mr. Copeland - Yes**

**Mr. Branin - Yes
Mr. Klinkenberg - No
Mrs. McDowell - Yes**

Motion carried 6 to 1.

3. AI# 15B

CASE NO. 2014040038 RECURRING BR

City of Palm Coast vs. Hua Liu & Dian Liang

156 Point Pleasant Drive

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

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. Jennifer Peligrino (Daughter-in-Law) presented her side on behalf of Respondent Dian Liang.

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 \$53.50. Mr. Copeland seconded the motion.

Roll was called:

**Mr. Roberts - Yes
Mr. Chagnon - Yes
Mr. Mugford - Yes
Mr. Copeland - Yes**

**Mr. Branin - No
Mr. Klinkenberg - No
Mrs. McDowell - Yes**

Motion carried 5 to 2.

4. **AI# 15C**
CASE NO. 201400045 RECURRING BR
City of Palm Coast vs. Hua Liu & Dian Liang
156 Point Pleasant Drive
(Palm Coast Code Section 41-11(a) Trash Containers)

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. Jennifer Peligrino (Daughter-in-Law) presented her side on behalf of Respondent Dian Liang.

Mrs. McDowell 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 \$53.50. Mr. Branin seconded the motion.

Roll was called:

Mr. Roberts - Yes	Mr. Branin - No
Mr. Chagnon - Yes	Mr. Klinkenberg - No
Mr. Mugford - Yes	Mrs. McDowell - Yes
Mr. Copeland - Yes	

Motion carried 5 to 2.

5. **AI# 17**
CASE NO. 2014040031 JF
City of Palm Coast vs. Avalon at Lehigh Woods Homeowners Association Inc.
11 Angela Drive
(Palm Coast Code Section 15-1 No Permit for Shed)

Code Enforcement Officer Festa presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Festa testified the property remains in violation. Staff recommends a Fine - Violation Order for the period of non-compliance and Administrative Costs. Respondent, John Allen presented his side.

Mr. Klinkenberg moved to postpone this case to October's Board Hearing.

Roll was called:

Mr. Roberts - Yes	Mr. Branin - Yes
Mr. Chagnon - Yes	Mr. Klinkenberg - Yes
Mr. Mugford - Yes	Mrs. McDowell - Yes
Mr. Copeland - Yes	

Motion unanimously carried.

6. **AI# 37A**
CASE NO. 2014050233 MD
City of Palm Coast vs. Lawrence Holifield & Michelle Nageldinger
124 Brunswick Lane
(Palm Coast Code Section 15-108(g) Fence Maintenance)

Code Enforcement Supervisor Donovan presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Supervisor Donovan and Officer Romeo testified the property remains in violation. Staff recommends a Fine - Violation Order for the period of non-compliance and Administrative Costs. Respondent, Lawrence Holifield presented his side.

Mr. Roberts 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 aforesated date; that the Respondents are further ordered to contact the Code Enforcement Officer to verify compliance with this Order. The Respondents shall pay Administrative Costs to the City in the amount of \$69.00. Mrs. McDowell seconded the motion.

Roll was called:

Mr. Roberts - Yes	Mr. Branin - Yes
Mr. Chagnon – Yes	Mr. Klinkenberg – Yes
Mr. Mugford - Yes	Mrs. McDowell – Yes
Mr. Copeland - Yes	

Motion unanimously carried.

7. **AI# 37B**
CASE NO. 2014050237 MD
City of Palm Coast vs. Lawrence Holifield & Michelle Nageldinger
124 Brunswick Lane
(Palm Coast Code Section 15-108(h) Inoperable Vehicle)

Code Enforcement Officer Donovan presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Donovan testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs. Respondent, Lawrence Holifield 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 \$53.50. Mr. Branin seconded the motion.

Roll was called:

Mr. Roberts - Yes
Mr. Chagnon – Yes
Mr. Mugford - Yes
Mr. Copeland - Yes

Mr. Branin - Yes
Mr. Klinkenberg – Yes
Mrs. McDowell – Yes

Motion unanimously carried.

8. AI# 37C
CASE NO. 2014050239 MD
City of Palm Coast vs. Lawrence Holifield & Michelle Nageldinger
124 Brunswick Lane
(Palm Coast Code Section 15-114 (a) Rubbish/Trash/Garbage)

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

Mr. Branin 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 aforesated date; that the Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order. The Respondents shall pay Administrative Costs to the City in the amount of \$69.00. Mr. Roberts seconded the motion.

Roll was called:

Mr. Roberts - Yes
Mr. Chagnon – Yes
Mr. Mugford - Yes
Mr. Copeland - Yes

Mr. Branin - Yes
Mr. Klinkenberg – Yes
Mrs. McDowell – Yes

Motion unanimously carried.

9. AI# 37D
CASE NO. 2014050243 MD

City of Palm Coast vs. Lawrence Holifield & Michelle Nageldinger
124 Brunswick Lane
(Palm Coast Code Section 35-76(d)(2) Nuisance-Accumulations)

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

Mr. Klinkenberg moved to dismiss this case. Mr. Branin seconded.

Roll was called:

Mr. Roberts - Yes	Mr. Branin - Yes
Mr. Chagnon – Yes	Mr. Klinkenberg – Yes
Mr. Mugford - Yes	Mrs. McDowell – Yes
Mr. Copeland - Yes	

Motion unanimously carried.

10. AI# 27

CASE NO. 2014051820 REPEAT LM

City of Palm Coast vs. Sandra Piquet

98 Belvedere Lane

(Palm Coast Code Section 35-76(d)(2) Nuisance-Overgrown.Lawn)

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. Sandra Piquet Respondent presented their side.

Mr. Branin 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 May 27, 2014; that a \$25.00 per day fine is imposed for the period of non-compliance from May 27, 2014 to May 29, 2014 totaling \$75.00. The Respondents shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Roberts seconded the motion.

Roll was called:

Mr. Roberts - Yes	Mr. Branin - Yes
Mr. Chagnon – Yes	Mr. Klinkenberg – Yes
Mr. Mugford - Yes	Mrs. McDowell – Yes
Mr. Copeland - Yes	

Motion unanimously carried.

11. **AI# 16**
CASE NO. 2014020186 BR
City of Palm Coast vs. Albert A. & Ilse E. McDougal
21 Waterford Place
(Palm Coast Code Section 15-108(c) Sidewalks & Driveways)

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The evidence was shown to the Respondents. Officer Romeo testified the property remains in violation. Staff recommends a Fine - Violation Order and Administrative Costs. Respondents, Robert & Ilse McDougal presented their side.

Mr. Klinkenberg moved to continue this case. Mr. Copeland seconded.

Roll was called:

Mr. Roberts - Yes	Mr. Branin - Yes
Mr. Chagnon - Yes	Mr. Klinkenberg - Yes
Mr. Mugford - Yes	Mrs. McDowell - Yes
Mr. Copeland - Yes	

Motion unanimously carried.

12. **AI# 26**
CASE NO. 2014040590 **RECURRING** LM
City of Palm Coast vs. Curtis Jr. & Ruth A. Ridgard
140 Beechwood Lane
(Palm Coast Code Section 35-76(d)(2) Nuisance-Overgrown Lawn)

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. Respondent, Gilbert Curtis Ridgard 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 \$53.50. Mr. Chagnon seconded the motion.

Roll was called:

Mr. Roberts - Yes	Mr. Branin - Yes
Mr. Chagnon - Yes	Mr. Klinkenberg - Yes
Mr. Mugford - Yes	Mrs. McDowell - Yes
Mr. Copeland - Yes	

Motion unanimously carried.

13. **AI# 12**

CASE NO. 2014041754 RECURRING BR

City of Palm Coast vs. William P. & Janet Stoughton

1 Pacific Drive

(Palm Coast Code Section 44-34(c) Parking of a Trailer 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 and Administrative Costs. Respondent, Jack Lemaster (Tenant) presented his side.

Mr. Branin 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 was corrected; that the violation recurred; 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. The Respondents shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Roberts seconded the motion.

Roll was called:

Mr. Roberts - Yes

Mr. Chagnon – Yes

Mr. Mugford - Yes

Mr. Copeland - Yes

Mr. Branin - Yes

Mr. Klinkenberg – Yes

Mrs. McDowell – Yes

Motion unanimously carried.

14. **AI# 6**

CASE NO. 2014060395 RECURRING LF

City of Palm Coast vs. PID Group LLC

34 Florida Park Drive

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

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

Mr. Klinkenberg 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 Respondent is further ordered to contact the

Code Enforcement Officer to verify compliance with this Order. The Respondents shall pay Administrative Costs to the City in the amount of \$69.00. Mr. Roberts seconded the motion.

Roll was called:

**Mr. Roberts - Yes
Mr. Chagnon – Yes
Mr. Mugford - Yes
Mr. Copeland - Yes**

**Mr. Branin - Yes
Mr. Klinkenberg – Yes
Mrs. McDowell – Yes**

Motion unanimously carried.

- 15. AI# 5**
CASE NO. 2014040418 LF
City of Palm Coast vs. PID Group LLC
35 Farrington Lane
(Palm Coast Code Section 15-1 No Permit for Fence)

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

Mr. Klinkenberg 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 fifteen (15) 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 Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order. The Respondents shall pay Administrative Costs to the City in the amount of \$69.00. Mr. Roberts seconded the motion.

Roll was called:

**Mr. Roberts - Yes
Mr. Chagnon – Yes
Mr. Mugford - Yes
Mr. Copeland - Yes**

**Mr. Branin - Yes
Mr. Klinkenberg – Yes
Mrs. McDowell – Yes**

Motion unanimously carried.

- 16. AI# 2**
CASE NO. 2014051894 RECURRING RS
City of Palm Coast vs. Winifred H. Campbell
64 Blaine Drive
(Palm Coast Code Section 15-108(d) Weeds/Overgrowth)

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. 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 \$53.50. Mr. Roberts seconded the motion.

Roll was called:

**Mr. Roberts - Yes
Mr. Chagnon – Yes
Mr. Mugford - Yes
Mr. Copeland - Yes**

**Mr. Branin - Yes
Mr. Klinkenberg – Yes
Mrs. McDowell – Yes**

Motion unanimously carried.

17. AI# 8A

CASE NO. 2014050339 REPEAT MH

City of Palm Coast vs. Donna P. Hastey

1 Cooper Lane

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

Code Enforcement Officer Hadden presented case history, paperwork and photos into evidence. The Respondent was not present Officer Hadden 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 Respondents for the same violation; that the Respondent brought the property into compliance on May 8, 2014; that a \$100.00 per day fine is imposed for the period of non-compliance from May 8, 2014 to June 12, 2014 totaling \$3,500.00. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Roberts seconded the motion.

Roll was called:

**Mr. Roberts - Yes
Mr. Chagnon – Yes
Mr. Mugford - Yes
Mr. Copeland - Yes**

**Mr. Branin - Yes
Mr. Klinkenberg – Yes
Mrs. McDowell – Yes**

Motion unanimously carried.

18. AI# 8B

CASE NO. 2014050566 REPEAT MH

City of Palm Coast vs. Donna P. Haste

1 Cooper Lane

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

Code Enforcement Officer Hadden presented case history, paperwork and photos into evidence. The Respondent was not present Officer Hadden 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 Respondents for the same violation; that the Respondent brought the property into compliance on May 8, 2014; that a \$100.00 per day fine is imposed for the period of non-compliance from May 8, 2014 to June 12, 2014 totaling \$3,500.00. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Roberts seconded the motion.

Roll was called:

Mr. Roberts - Yes
Mr. Chagnon – Yes
Mr. Mugford - Yes
Mr. Copeland - Yes

Mr. Branin - Yes
Mr. Klinkenberg – Yes
Mrs. McDowell – Yes

Motion unanimously carried.

19. AI# 10

CASE NO. 2014031390 MH

City of Palm Coast vs. Gino G. & Carmelina Impellizzeri

8 Piedmont Drive

(Palm Coast Code Section 17-39(a) Rental Registration 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 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 \$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 Respondents shall pay Administrative Costs to the City in the amount of \$69.00. Mr. Copeland seconded the motion.

Roll was called:

Mr. Roberts - Yes

Mr. Branin - Yes

Mr. Chagnon – Yes
Mr. Mugford - Yes
Mr. Copeland - Yes

Mr. Klinkenberg – Yes
Mrs. McDowell – Yes

Motion unanimously carried.

20. AI# 11

CASE NO. 2014031477 REPEAT BR
City of Palm Coast vs. Jason Hambrick
18 Emmons Lane
(Palm Coast Code Section 44-34(d)(2) Parking of 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 Respondents for the same violation; that the Respondent brought the property into compliance on March 29, 2014; that a \$150.00 per day fine is imposed for the period of non-compliance from March 29, 2014 to April 9, 2014 totaling \$1,050.00. The Respondent shall pay Administrative Costs to the City in the amount of \$71.50. Mr. Copeland seconded the motion.

Roll was called:

Mr. Roberts - Yes
Mr. Chagnon – Yes
Mr. Mugford - Yes
Mr. Copeland - Yes

Mr. Branin - Yes
Mr. Klinkenberg – Yes
Mrs. McDowell – Yes

Motion unanimously carried.

21. AI# 19

CASE NO. 2014040912 JF
City of Palm Coast vs. Abel A. & Rose & Jacqueline L. Castillo
23 Reidsville Drive
(Palm Coast Code Section 17-39(a) Rental Registration Program)

Code Enforcement Officer Festa presented case history, paperwork and photos into evidence. The Respondent were 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 Respondents are in violation of the City Code as charged; that the Respondents correct the violation no later than ten (10) 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 aforesated date; that the Respondent is further ordered to contact the Code

Enforcement Officer to verify compliance with this Order. The Respondents shall pay Administrative Costs to the City in the amount of \$69.00. Mr. Copeland seconded the motion.

Roll was called:

**Mr. Roberts - Yes
Mr. Chagnon – Yes
Mr. Mugford - Yes
Mr. Copeland - Yes**

**Mr. Branin - Yes
Mr. Klinkenberg – Yes
Mrs. McDowell – Yes**

Motion unanimously carried.

22. AI# 24

CASE NO. 2014030807 JF

City of Palm Coast vs. Silvia Castro

30 Ryecliffe Drive

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

Code Enforcement Officer Festa presented case history, paperwork and photos into evidence. The Respondent were 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 Respondents are in violation of the City Code as charged; that the Respondents correct the violation no later than ten (10) 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 aforesated date; that the Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order. The Respondents shall pay Administrative Costs to the City in the amount of \$69.00. Mr. Roberts seconded the motion.

Roll was called:

**Mr. Roberts - Yes
Mr. Chagnon – Yes
Mr. Mugford - Yes
Mr. Copeland - Yes**

**Mr. Branin - Yes
Mr. Klinkenberg – Yes
Mrs. McDowell – Yes**

Motion unanimously carried.

23. AI# 28

CASE NO. 20140051534 LM

City of Palm Coast vs. George M. & Lucille L. Bayley

3 Biltvue Place

(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 were not present. Officer Mendez 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 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 \$200.00 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 Respondents shall pay Administrative Costs to the City in the amount of \$69.00. Mr. Branin seconded the motion.

Roll was called:

**Mr. Roberts - Yes
Mr. Chagnon – Yes
Mr. Mugford - Yes
Mr. Copeland - Yes**

**Mr. Branin - Yes
Mr. Klinkenberg – Yes
Mrs. McDowell – Yes**

Motion unanimously carried.

UNFINISHED BUSINESS

Mr. Mugford inquired about the vacation of the Board's prior Orders for 6 Cole Place. City Attorney Reischmann reviewed the details of the three cases that were previously brought before the Board. He reminded the Board they found the property to be in violation at the time the cases were heard and made a ruling accordingly. The property owners, who are the Hendrickson's, did not believe they received adequate notification about the Code Hearing. They appealed the Board's ruling to the Circuit Court and the Court found their appeal had merit, City Attorney Reischmann informed the Board that the City was able to work with the Hendrickson's to resolve the issues at hand. As a result, the Board was asked to make a motion to vacate the prior Code case Orders for 6 Cole Place.

Mr. Klinkenberg made a motion, which was seconded by Mr. Chagnon.

Roll was called:

**Mr. Roberts - Yes
Mr. Chagnon – Yes
Mr. Mugford - Yes
Mr. Copeland - Yes**

**Mr. Branin - Yes
Mr. Klinkenberg – Yes
Mrs. McDowell – Yes**

Motion unanimously carried.

NEW BUSINESS

The scheduled workshop commenced, with Board Counsel Babb-Nutcher reviewing the Code Enforcement process and what the guidelines are under Chapter 162 of the Florida State Statutes She explained to the Board the Code Enforcement process, in terms of what Code Officer's obligations are, and the City's notification process. In addition to the enforcement process, Counsel Babb-Nutcher

explained the definition of various Code cases/violations (Recurring, Repeat, No Fine – Standing Order, etc.) and reviewed the determination of fine amounts, fine reductions, as well as property liens that are assessed for violations

Mr. Copeland asked questions relating to the Respondent's submission of evidence. Counsel Babb-Nutcher advised the Board of the Respondent's responsibility, as it relates to evidence they want to submit.

Mr. Klinkenberg asked if English is not the primary language of the Respondent, what obligation does that person have, to ensure testimony is appropriately relayed in his/her Code case. Babb-Nutcher advised it is the responsibility of the Respondent to make arrangements that someone at the Hearing can represent and properly interpret testimony on that person's behalf, if need be. City Attorney Reischmann added that there isn't anything in State Statute 162 that places the burden on the City to provide an interpreter. He informed the Board they have the discretion to decide if they want to continue the case, if they feel the Respondent has not provided an adequate representative.

Mr. Copeland asked Counsel at what point should the Board discuss the testimony given by all parties involved in a case. He says he has observed that sometimes discussions will take place amongst the Board members about individual cases, prior to a motion being made. Counsel Babb-Nutcher advised it is up to the discretion of the Board whether or not they want to entertain any discussion prior to a motion being made. Counsel Babb-Nutcher explained technically, a motion is made and subsequent discussion takes place. City Attorney Reischmann confirmed there is nothing in Florida State Statute 162 or Code to disallow the Board from discussing a case prior to making a motion.

Mr. Klinkenberg asked Counsel Babb-Nutcher to clarify to the Board under what circumstances should a \$5,000 fine be imposed in a Code case. He stated a violation that could constitute the implementation of this dollar amount would be if the violation creates a serious safety issue to the public. Counsel Babb-Nutcher verified the Board has the right to impose this dollar amount in an extreme case where the safety of a citizen is in jeopardy. She also added this dollar amount could only be imposed in Repeat violation cases.

Mr. Copeland inquired about the abatement process, as it relates to a violation that is a serious threat to the safety of the public. He wanted to know if City staff could remedy a violation of this nature, without the Board's involvement. Counsel-Babb Nutcher advised that the Board could not be bypassed, because the Code Officers are not allowed to trespass on to private property. She did suggest however, depending on the gravity of the situation, Law Enforcement officials could potentially be contacted to expedite matters that pose a threat to the safety of the public.

Mr. Mugford asked Board Counsel about the Case order process, as it relates to Respondents arriving after the commencement of the Hearing. He suggested that giving them priority, by allowing their cases to be heard first is disruptive to the process of the meeting, as the Respondents have to be sworn in by Counsel at the time their case is ready to be heard. Counsel Babb-Nutcher informed the Board that provided the Code case has not already been brought before the Board, they should continue to pay Respondents the courtesy to hear their cases first, before listening those cases for which the Respondents do not show up.

City Attorney Reischmann reviewed the Board's ethical obligations and public records rules under the Sunshine Law. Mr. Klinkenberg was not present, as he left the meeting, due to a personal obligation.

He advised the Board members special rules apply to them, as they are officers of the City under State law and collectively are required make final decisions in Code cases.

ANNOUNCEMENT OF NEXT MEETING:

Next Code Board Meeting – September 3, 2014.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:15 p.m.

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.