

CODE ENFORCEMENT BOARD
Wednesday, February 4, 2015 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, Gerard Chagnon, Neil Copeland, Tameka McDowell, Kimble Medley, Norman Mugford, Dean Roberts

STAFF MEMBERS PRESENT: Code Enforcement Manager Grossman, Code Enforcement Supervisor Donovan, Code Enforcement Officers, Arena, Ballard, Festa, Hadden, MacDonald, Romeo, Sr. Staff Asst. Wry, Robin McKinney, 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 seven (7) members present.
- C. Approval of the January 7, 2015 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, Code Enforcement Supervisor Donovan, Code Enforcement Officers Arena, Ballard, Festa, Hadden, MacDonald Romeo and Sr. Staff Asst. Wry were sworn in by Robin McKinney, Counsel.
- F. Swearing in of Respondents:** The respondents who were present were sworn in by Robin McKinney, Counsel for the City of Palm Coast.
- G. Withdrawn Cases:**

AI# 1	CASE NO. 2014090314 - 33 Westbriar Lane
AI# 3	CASE NO. 2014051442 - 101 Palm Harbor Pkwy C-132
AI# 6	CASE NO. 2014090984 - 49 Laguna Forest Trail
AI# 8	CASE NO. 2014100314 - 85 Birchwood Drive
AI# 9	CASE NO. 2014101221 - 164 Parkview Drive
AI# 12	CASE NO. 2014090312 - 42 Bunker View Drive
AI# 13	CASE NO. 2014101222 - 35 Black Bear Lane
AI# 17	CASE NO. 2014091548 - 4 Coral Reef Court North
AI# 18	CASE NO. 2014091549 - 4 Coral Reef Court North
AI# 20	CASE NO. 2014020097 - 10 Sea Flower Path
AI# 21	CASE NO. 2014091488 - 7 Selden Court
AI# 22	CASE NO. 2014070978 - 4 Senlac Court

AI# 23	CASE NO. 2014100895 - 4 Senlac Court
AI# 24	CASE NO. 2014101245 - 104 Sloganeer Trail
AI# 25	CASE NO. 2014081097 - 191 Palmwood Drive
AI# 26	CASE NO. 2014080476 - 77 Parkview Drive
AI# 27	CASE NO. 2014050672 - 284 Parkview Drive
AI# 28	CASE NO. 2014050904 - 284 Parkview Drive
AI# 29	CASE NO. 2014060192 - 15 Perthshire Lane
AI# 31	CASE NO. 2014080399 - 12 Powder Lane
AI# 32	CASE NO. 2014041708 - 31 Presidential Lane
AI# 33	CASE NO. 2014072144 - 38 Price Lane
AI# 34	CASE NO. 2014110062 - 33 Brittany Lane
AI# 35	CASE NO. 2014110064 - 26 Bruning Lane

1. AI# 5

CASE NO. 2014040940 REDUCTION LF

City of Palm Coast vs. Cypress Point 160 LLC

160 Cypress Point Parkway

(Palm Coast Code Section 15-108(g) Shed/Fence/Wall Maintenance)

Property Manager Greg Lawroski was sworn in and made a request for the Board to rescind the fine.

Ms. McDowell moved to reduce the fine to 0 dollars, but to assess Administrative Costs in the amount of \$69.50. Ms. Medley seconded the motion. Mr. Copeland requested for the floor to be opened for discussion. After discussion, Ms. McDowell withdrew her motion and made another motion for the case to be continued to the April 1st Code Board hearing. Mr. Copeland seconded the motion.

Roll was called:

Mr. Branin - Yes

Ms. Medley – Yes

Mr. Chagnon – Yes

Mr. Mugford – Yes

Mr. Copeland - Yes

Mr. Roberts - Yes

Ms. McDowell - Yes

Motion carried unanimously.

2. AI# 16

CASE NO. 2014100810 REPEAT MH

City of Palm Coast vs. Tattutama Volchanskaya

8 Colechester Lane

(Palm Coast Code Section 44-34(f) Improper Parking)

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. Roberts 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 October 14, 2014 that a \$100.00 per day fine is imposed for the period of non-compliance on October 13, 2014 totaling \$100.00. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Ms. McDowell seconded the motion

Roll was called:

Mr. Branin - Yes	Ms. Medley – Yes
Mr. Chagnon – Yes	Mr. Mugford – Yes
Mr. Copeland - Yes	Mr. Roberts - Yes
Ms. McDowell - Yes	

Motion unanimously carried.

3. AI# 19

CASE NO. 2014101582 REPEAT MH
City of Palm Coast vs. Alfred R. III & Ursula K. Tucker
5 Courtney Court
(Palm Coast Code Section 15-114(a) Rubbish/Trash/Garbage)

Code Enforcement Officer Hadden presented case history, paperwork and photos into evidence. The Respondents were not present. Officer Hadden testified the property is in compliance. 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 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 October 29, 2014 that a \$100.00 per day fine is imposed for the period of non-compliance on October 28, 2014 totaling \$100.00. The Respondents shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Branin seconded the motion

Roll was called:

Mr. Branin - Yes	Ms. Medley – Yes
Mr. Chagnon – Yes	Mr. Mugford – Yes
Mr. Copeland - Yes	Mr. Roberts - Yes
Ms. McDowell - Yes	

Motion unanimously carried.

4. AI# 11

CASE NO. 2014080761 BMD
City of Palm Coast vs. Margaretha E. Heim & David & Lyn Preat
1 Buffalo Berry Place
(Palm Coast Code Section 11.03.01 General Landscaping Requirements)

Mr. Copeland presided over this case, as Mr. Mugford recused himself.

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. Respondent David Preat presented his side. Staff recommends a Fine – Violation Order and Administrative Costs.

Ms. McDowell moved to continue this case. Ms. Medley seconded the motion. Mr. Branin requested for the floor to be opened for discussion. After discussion, the City amended their recommendation and Ms. McDowell withdrew her motion.

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 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 \$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. Ms. Medley seconded the motion.

Roll was called:

Mr. Branin - Yes	Ms. McDowell - Yes
Mr. Chagnon - Yes	Ms. Medley – Yes
Mr. Copeland – Yes	Mr. Roberts - Yes

Motion unanimously carried.

5. **AI# 10**
CASE NO. 2014101562 RECURRING BMD
City of Palm Coast vs Inga Sydorenko & Michael Ouvarov
20 Biscayne Drive
(Palm Coast Code Section 44-34(f) Improper Parking)

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. Respondent Michael Ouvarov presented his side. Staff recommends a No Fine Standing Order and Administrative Costs.

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. Branin - Yes
Mr. Chagnon – Yes
Mr. Copeland - Yes
Ms. McDowell - Yes

Ms. Medley – Yes
Mr. Mugford – Yes
Mr. Roberts - Yes

Motion unanimously carried.

6. **AI# 4**

CASE NO. 2014061105 MASSEY PA

City of Palm Coast vs John Clark

25 Seaman Trail East

(Palm Coast Code Section 15-1 No Permit for Beautification of R.O.W.)

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

Ms. McDowell 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 17, 2014 to February 3, 2015; totaling \$5,500.00; 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 \$69.50. When the property comes into compliance, an Affidavit of Compliance will be issued. Mr. Roberts seconded the motion.

Roll was called:

Mr. Branin - Yes
Mr. Chagnon – Yes
Mr. Copeland - Yes
Ms. McDowell - Yes

Ms. Medley – Yes
Mr. Mugford – Yes
Mr. Roberts - Yes

Motion unanimously carried.

7. **AI# 15**

CASE NO. 2014101252 RECURRING MB

City of Palm Coast vs. Ronald & Gloria Ott

40 Price Lane

(Palm Coast Code Section 44-34(d (2) Parking of Recreational Vehicle)

Code Enforcement Officer Ballard presented case history, paperwork and photos into evidence. The evidence was shown to the Respondents. Officer Ballard testified the property is in

compliance. Respondent Charles Van Gordon (son-in-law) presented his side. Staff recommends a No Fine Standing Order and Administrative Costs.

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. Ms. McDowell seconded the motion.

Roll was called:

Mr. Branin - Yes

Mr. Chagnon – Yes

Mr. Copeland - Yes

Ms. McDowell - Yes

Ms. Medley – Yes

Mr. Mugford – Yes

Mr. Roberts - Yes

Motion unanimously carried.

8. AI# 14

CASE NO. 2014101224 RS

City of Palm Coast vs. Catherine Darby

35 Black Bear Lane

(Palm Coast Code Section 15-108 (h) Unlicensed Vehicle)

Code Enforcement Officer Ballard presented case history, paperwork and photos into evidence on behalf of Code Officer Sagala. The Respondent was not present. Officer Ballard testified the property remains in violation. Staff recommends a Fine – Violation Order 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 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 \$69.00. Mr. Branin seconded the motion.

Roll was called:

Mr. Branin - Yes

Mr. Chagnon – Yes

Mr. Copeland - Yes

Ms. McDowell - Yes

Ms. Medley – Yes

Mr. Mugford – Yes

Mr. Roberts - Yes

Motion unanimously carried.

9. AI# 7

CASE NO. 2014101091

JF

City of Palm Coast vs. Roderick S. Smith

18 Royal Tern Lane

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

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 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 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. Branin - Yes

Ms. Medley – Yes

Mr. Chagnon – Yes

Mr. Mugford – Yes

Mr. Copeland - Yes

Mr. Roberts - Yes

Ms. McDowell - Yes

Motion unanimously carried.

10. AI#30

CASE NO. 2014090813

REPEAT

BR

City of Palm Coast vs. William J. Holmes

22 Piermount Lane

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

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 from October 25, 2014 that a \$200.00 per day fine is imposed for the period of non-compliance from September 11, 2014 to October 24, 2014 totaling \$8,800.00. The Respondent shall pay Administrative Costs to the City in the amount of \$71.50. Mr. Roberts seconded the motion

Roll was called:

Mr. Branin - Yes

Ms. Medley – Yes

Mr. Chagnon – Yes

Mr. Mugford – Yes

Mr. Copeland - Yes
Ms. McDowell - Yes

Mr. Roberts - Yes

Motion unanimously carried.

NEW BUSINESS

A scheduled workshop commenced, with Board Counsel Robin McKinney reviewing the general Code Enforcement process and what the guidelines are under Chapter 162 of the Florida State Statutes.

ANNOUNCEMENT OF NEXT MEETING:

Next Code Board Meeting – March 11, 2015.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:55 a.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.