

CODE ENFORCEMENT BOARD
Wednesday, September 2, 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, Neil Copeland, Tameka McDowell, Kimble Medley, Norman Mugford, Dean Roberts

STAFF MEMBERS PRESENT Code Enforcement Manager Grossman, Code Enforcement Supervisor Donovan, Code Enforcement Officers Festa, Fitzgerald, Mendez, Risch, Romeo, Sagala, Sr. Staff Asst. Wry, Bill Reischmann, Board 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 August 5, 2015 Meeting Minutes**
The Minutes were approved 3 to 2. (Mr. Mugford's vote omitted)
- 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 Festa, Fitzgerald, Mendez, Risch, Romeo, Sagala, and Sr. Staff Asst. Wry were sworn in by Bill Reischmann, Board Counsel
- F. Swearing in of Respondents:** The respondents who were present were sworn in by Bill Reischmann, Counsel for the Code Board.
- G. Withdrawn Cases:**
- AI# 1 CASE NO. 2015061622 - 231 London Drive
 - AI# 3 CASE NO. 2015060623 - 14 Blackfoot Court
 - AI# 4 CASE NO. 2015040498 - 41 Cooper Lane
 - AI# 9 CASE NO. 2015060138 - 100 South Coopers Hawk Way
 - AI# 10 CASE NO. 2015060604 - 19 Ulawood Place
 - AI# 13 CASE NO. 2015041713 - 7 Ranger Place
 - AI# 14 CASE NO. 2015061211 - 27 Red Top Lane
 - AI# 18 CASE NO. 2015070020 - 5 Royal Oak Drive
 - AI# 20 CASE NO. 2015050600 - 26 Felshire Lane
 - AI# 23 CASE NO. 2015061440 - 41 Fort Caroline Lane
 - AI# 29 CASE NO. 2015020875 - 41 Burning Ember Lane
 - AI# 30 CASE NO. 2015030097 - 19 Burning Wick Place
 - AI# 31 CASE NO. 2015050780 - 19 Burning Wick Place
 - AI# 33 CASE NO. 2015050330 - 95 Edward Drive

AI# 35 CASE NO. 2015050699 - 15 Fortune Lane
AI# 43 CASE NO. 2015020825 - 73 Pennypacker Lane
AI# 46 CASE NO. 2015031575 - 46 Pine Hill Lane (A)
AI# 47 CASE NO. 2015050037 - 22 Plateau Lane
AI# 49 CASE NO. 2015040942 - 15 Postman Lane
AI# 53 CASE NO. 2015010945 - 6 Princess Jeanette Place
AI# 59 CASE NO. 2015060309 - 12 Bradmore Lane (A & B)
AI# 60 CASE NO. 2015061018 - 88 Brewster Lane

H. Continued Cases:

AI# 5 CASE NO. 2015010805 - 24 Crossbow Court
AI# 6 CASE NO. 2015011078 - 1 Floral Court
AI# 7 CASE NO. 2015040512 - 33 Florida Park Drive
AI# 55 CASE NO. 2015061070 - 71 Braddock Lane
AI# 56 CASE NO. 2015061072 - 71 Braddock Lane
AI# 57 CASE NO. 2015061073 - 71 Braddock Lane
AI# 58 CASE NO. 2015060305 - 12 Bradmore Lane (A & B)

1. **AI# 34**
CASE NO. 2015051114 RECURRING LM
City of Palm Coast vs. David K. Lee
1 Fordham Lane
(Palm Coast Code Section 44-34(c) Parking of a Commercial Vehicle in Residential District)

Code Enforcement Officer Mendez presented 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 Lee, Respondent presented his side.

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 is now 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. Branin – Yes
Mr. Copeland – Yes
Ms. McDowell – No

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

Motion carried 5 to 1.

2. **AI# 36**
CASE NO. 2015020481 REDUCTION LM
City of Palm Coast vs. Michelle Ann & Christopher J. Morton

2 Poinbury Drive

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

Code Enforcement Officer Mendez presented the case for a request for reduction of fine. Officer Mendez testified the property is in compliance. Michelle Ann Morton, Respondent presented her case for request for reduction of fine.

**Mr. Copeland moved in this case to reduce the fine to \$100.00 per day, for a total of \$800.00.
Mr. Branin seconded the motion.**

Roll was called:

**Mr. Branin – Yes
Mr. Copeland – Yes
Ms. McDowell – Yes**

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

Motion unanimously carried.

3. AI# 11

CASE NO. 2015060304 RECURRING LF

City of Palm Coast vs. Carl Gruneberg

49 Universal Trail

(Palm Coast Code Section 44-34(d-2) Parking of a Boat/Trailer)

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

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 is now 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. Branin – Yes
Mr. Copeland – Yes
Ms. McDowell – Yes**

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

Motion unanimously carried.

4. AI# 50

CASE NO. 2015061216 BR

City of Palm Coast vs. Viktor Ostapenko

5 Pratt Place

(Palm Coast Code Section 16-173(c) Incorrect Number of Garage Sales)

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Romeo testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs. Respondent, Rufina Ostapenko (wife), Pavel Ostapenko (son) and Erika Rodriguez (neighbor) presented their side.

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 is now 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. Branin – Yes

Mr. Copeland – Yes

Ms. McDowell – No

Ms. Medley - Yes

Mr. Mugford –Yes

Mr. Roberts - Yes

Motion carried 5 to 1.

5. AI# 51

CASE NO. 2015061218

BR

City of Palm Coast vs. Viktor Ostapenko

5 Pratt Place

(Palm Coast Code Section 16-173(f) Unpermitted Garage Sales)

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Romeo testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs. Respondent, Rufina Ostapenko (wife), Pavel Ostapenko (son) and Erika Rodriguez (neighbor) presented their side.

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 is now corrected; that any violation of the same code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State law for which a fine of up to \$5,000.00 per day may be imposed. Mr. Roberts seconded the motion.

Roll was called:

Mr. Branin – Yes

Mr. Copeland – Yes

Ms. McDowell – No

Ms. Medley - Yes

Mr. Mugford –Yes

Mr. Roberts - Yes

Motion carried 5 to 1.

6. AI# 52

CASE NO. 2015061219

BR

City of Palm Coast vs. Viktor Ostapenko

5 Pratt Place

(Land Development Code 12.03.02 - Off Premises Signage Prohibited)

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, Rufina Ostapenko (wife), Pavel Ostapenko (son) and Erika Rodriguez (neighbor) presented their side.

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 is now corrected; that any violation of the same code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State law for which a fine of up to \$5,000.00 per day may be imposed. Mr. Roberts seconded the motion.

Roll was called:

Mr. Branin – Yes

Mr. Copeland – Yes

Ms. McDowell – No

Ms. Medley - Yes

Mr. Mugford –Yes

Mr. Roberts - Yes

Motion carried 5 to 1.

7. AI# 22

CASE NO. 2015070044

RECURRING

CSR

City of Palm Coast vs. Barbara Kruse

45 Flamingo Drive

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

Code Enforcement Officer Risch presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Risch testified the property is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation and Administrative Costs. Respondent, Ellen Hollister (granddaughter) and Evan Breen (tenant) presented their 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 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. Branin – Yes
Mr. Copeland – Yes
Ms. McDowell – Yes

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

Motion unanimously carried.

- 8. AI# 32**
CASE NO. 2015050186 LM
City of Palm Coast vs. Beverly H. & Gordon R. Patrick, Trustees
58 Cooper Lane
(Palm Coast Code Section 44-34(c) Parking of a Commercial Vehicle in Residential District)

Code Enforcement Officer Mendez presented case history, paperwork and photos into evidence. The evidence was shown to the Respondents. Officer Mendez testified the property is in compliance. No Fine Standing Order and Administrative Costs. Gordon Patrick, Respondents presented his side.

Ms. McDowell moved to find in this case that the Respondents were in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation is now corrected; that any violation of the same code by Respondents within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State law for which a fine of up to \$5,000.00 per day may be imposed. The Respondents shall pay Administrative Costs to the City in the amount of \$53.50. Ms. Medley seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

- 9. AI# 19**
CASE NO. 2015042122 CSR
City of Palm Coast vs. Ralph Jr. & Andrea Johnson
21 Farmdale Lane
(Palm Coast Code Section 15-1 No Permit for Fence)

Code Enforcement Officer Risch presented case history, paperwork and photos into evidence. The evidence was shown to the Respondents. Officer Risch testified the property remains in violation. Staff recommends Fine - Violation Order and Administrative Costs. Respondents, Ralph Johnson Jr. & Lloyd Tyler (father-in-law) presented their side. After discussion, Manager Grossman this case be continued to the November Code Board meeting.

Ms. McDowell moved to continue this case to the November Code Board meeting. Ms. Medley seconded the motion.

Roll was called:

**Mr. Branin – Yes
Mr. Copeland – Yes
Ms. McDowell – Yes**

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

Motion unanimously carried.

10. AI# 21

CASE NO. 2015060977 RECURRING CSR

City of Palm Coast vs. Kyoko Lermen & Richard J. & Cynthia L. Lermen

38 Fernwood Lane

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

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

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 is now 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. Branin seconded the motion.

Roll was called:

**Mr. Branin – Yes
Mr. Copeland – Yes
Ms. McDowell – Yes**

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

Motion unanimously carried.

11. AI# 15

CASE NO. 2015061194 RECURRING JF

City of Palm Coast vs. Bruce A. Carlson

64 Rocking Horse Drive

(Palm Coast Code Section 44-34(c) Parking of a 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 – Recurring Violation and Administrative Costs. Bruce Carlson, 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 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. Branin – Yes
Mr. Copeland – Yes
Ms. McDowell – Yes**

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

Motion unanimously carried.

12. AI# 40

CASE NO. 2015060909 RECURRING LM

City of Palm Coast vs. Christopher L. Wallace

71 Whispering Pine Drive

(Palm Coast Code Section 44-34(c) Parking of a Trailer 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 remains in violation. Staff recommends a Fine - Violation Order and Administrative Costs. Christopher Wallace, Respondent presented his side.

Mr. Copeland moved to dismiss this case. Mr. Branin seconded the motion.

Roll was called:

**Mr. Branin – Yes
Mr. Copeland – Yes
Ms. McDowell – Yes**

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

Motion unanimously carried.

13. AI# 54

CASE NO. 2015050415 RECURRING BR

City of Palm Coast vs. Tatiana Iatsenko

7 Princess Luise Lane

(Palm Coast Code Section 44-34(c) Parking of a Commercial Vehicle 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. Respondent, Lydia Denyskina (tenant) presented her side.

Mr. Copeland 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 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. Ms. Medley seconded the motion.

Roll was called:

**Mr. Branin – Yes
Mr. Copeland – Yes
Ms. McDowell – Yes**

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

Motion unanimously carried.

- 14. AI# 45**
CASE NO. 2015050412 RECURRING BR
City of Palm Coast vs. Vladimir Gordin
11 Pine Circle Drive
(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 No Fine Standing Order – Recurring Violation and Administrative Costs. Respondent, Vladimir Gordin and Mike Levitt (friend) presented their side.

Ms. 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 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. Branin – Yes
Mr. Copeland – Yes
Ms. McDowell – Yes**

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

Motion unanimously carried.

15. **AI# 2**
CASE NO. 2015060760 RS
City of Palm Coast vs. Martin Bilek
5 Bay Spring Place
(Palm Coast Code Section 17-39(a) Residential Rental Program)

Code Enforcement Officer Sagala presented case history, paperwork, and photos into evidence. The Respondent was not present. Officer Sagala testified the property remains in violation. Staff recommends 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 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 \$69.00. Ms. McDowell seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

16. **AI# 8**
CASE NO. 2015061269 **REPEAT** LF
City of Palm Coast vs. Audrey Kravchuk & Liya & Olesya Kozlova
111 Seattle Trail
(Palm Coast Code Section 44-34(c) Parking of a Trailer in Residential District)

Code Enforcement Officer Fitzgerald presented case history, paperwork and photos into evidence. The Respondents were not present. Officer Fitzgerald testified this is a Repeat case and 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 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 June 23, 2015; that a \$100.00 per day fine is imposed for the period of non-compliance on June 22, 2015, totaling \$100.00. The Respondents shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Roberts seconded the motion.

Roll was called:

Mr. Branin – Yes

Ms. Medley - Yes

Mr. Copeland – Yes
Ms. McDowell – Yes

Mr. Mugford –Yes
Mr. Roberts - Yes

Motion unanimously carried.

17. AI# 12

CASE NO. 2015060689 REPEAT LF

City of Palm Coast vs. Christy Duncan

13 Zephyr Lily Trail

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

Code Enforcement Officer Fitzgerald presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Fitzgerald testified this is a Repeat case and the property is in compliance. 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 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 June 12, 2015; that a \$100.00 per day fine is imposed for the period of non-compliance on June 11, 2015, totaling \$100.00. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Ms. Medley seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

18. AI# 16

CASE NO. 2015061193 REPEAT JF

City of Palm Coast vs. Gengsheng Zhang

20 Rolling Sands Drive

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

Code Enforcement Officer Festa presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Festa testified this is a Repeat case and 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 June 24, 2015; that a \$100.00 per day fine is imposed for the period of non-compliance on June 20, 2015 and June 22, 2015 to June 23, 2015, totaling \$300.00. The Respondent shall pay Administrative Costs to the City in the amount of \$70.00. Mr. Branin seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

19. AI# 17

CASE NO. 2015061195 RECURRING JF

City of Palm Coast vs. Meechelle Gustin & James E. Terry

14 Roxboro Drive

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

Code Enforcement Officer Festa presented case history, paperwork and photos into evidence. The Respondents were not present. Officer Festa 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 Respondents were in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation is now corrected; that 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. Branin – Yes
Mr. Copeland – Yes
Ms. McDowell – Yes

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

Motion unanimously carried.

20. AI# 24

CASE NO. 2015070215 REPEAT CSR

City of Palm Coast vs. Raymond L. Jr. & Juanita S. Trivett Gray

43 Fort Caroline Lane

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

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

Ms. McDowell 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 July 3, 2015; that a \$250.00 per day fine is imposed for the period of non-compliance on July 2, 2015, totaling \$250.00. The Respondents shall pay Administrative Costs to the City in the amount of \$69.50. Ms. Medley seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

21. AI# 25

CASE NO. 2015061039 RECURRING CSR
City of Palm Coast vs. Alexander Permyakov & Elena Kruglova
130 Fort Caroline Lane
(Palm Coast Code Section 15-108(d) Weeds/Overgrowth)

Code Enforcement Officer Risch presented case history, paperwork and photos into evidence. The Respondents were not present. Officer Risch 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 Respondents were in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation is now corrected; that 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. Branin seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

22. AI# 26

CASE NO. 2015060731 REPEAT CSR
City of Palm Coast vs. Angelina DeVito & Gordon Todd Knaeble
25 Freneau Lane
(Palm Coast Code Section 15-108(i) Defacing Property – Graffiti)

Code Enforcement Officer Risch presented case history, paperwork and photos into evidence. The Respondents were not present. Officer Risch 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 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 June 24, 2015; that a \$150.00 per day fine is imposed for the period of non-compliance from June 15, 2015 to June 23, 2015, totaling \$1,350.00. The Respondents shall pay Administrative Costs to the City in the amount of \$69.50. Ms. Medley seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

23. AI# 27

CASE NO. 2015060850 REPEAT CSR

*City of Palm Coast vs. Angelina DeVito & Gordon Todd Knaeble
25 Freneau Lane
(Palm Coast Code Section 44-34(f) Vehicle Improperly Parked)*

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

Ms. Medley 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 June 18, 2015; that a \$100.00 per day fine is imposed for the period of non-compliance from June 15, 2015 to June 17, 2015, totaling \$300.00. The Respondents shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Roberts seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

24. AI# 28

CASE NO. 2014120166 MASSEY LM

*City of Palm Coast vs. Saulius Strikas
91 Beacon Mill Lane
(Palm Coast Code Section 17-39(a) Residential Rental Program)*

Code Enforcement Officer Mendez presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Mendez 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.

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 May 20, 2015 to September 1, 2015; totaling \$5,250.00 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. Ms. Medley seconded the motion.

Roll was called:

**Mr. Branin – Yes
Mr. Copeland – Yes
Ms. McDowell – Yes**

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

Motion unanimously carried.

25. AI# 37

CASE NO. 2015061128 REPEAT LM

City of Palm Coast vs. John Francis & Leonora McMorro

21 Ponce DeLeon Drive

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

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

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 June 25, 2015; that a \$50.00 per day fine is imposed for the period of non-compliance from June 18, 2015 to June 24, 2015, totaling \$350.00. The Respondents shall pay Administrative Costs to the City in the amount of \$69.50. Ms. McDowell seconded the motion.

Roll was called:

**Mr. Branin – Yes
Mr. Copeland – Yes
Ms. McDowell – Yes**

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

Motion unanimously carried.

26. **AI# 38**
CASE NO. 2015061130 REPEAT LM
City of Palm Coast vs. John Francis & Leonora McMorrow
21 Ponce DeLeon Drive
(Palm Coast Code Section 44-34(f) Vehicle & Trailer Improperly Parked)

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

Ms. McDowell 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 Respondent for the same violation; that the Respondents brought the property into compliance on June 25, 2015; that a \$500.00 per day fine is imposed for the period of non-compliance from June 18, 2015 to June 24, 2015, totaling \$3,000.00. The Respondents shall pay Administrative Costs to the City in the amount of \$71.00. Ms. Medley seconded the motion.

Roll was called:

**Mr. Branin – Yes
Mr. Copeland – Yes
Ms. McDowell – Yes**

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

Motion unanimously carried.

27. **AI# 39**
CASE NO. 2015050215 RECURRING LM
City of Palm Coast vs. Corie J. Blanton
31 Rydell Lane
(Palm Coast Code Section 44-34(c) Parking of a Trailer in Residential District)

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 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 is now 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. Branin – Yes
Mr. Copeland – Yes
Ms. McDowell – Yes

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

Motion unanimously carried.

28. AI# 41

CASE NO. 2015041628 RECURRING BR

City of Palm Coast vs. Dong & Ling Ma Zhang

15 Peninsula Lane

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

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The Respondents were not present. Officer Romeo 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 Respondents were in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation is now corrected; that 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. Branin seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

29. AI# 42

CASE NO. 2015041629 BR

City of Palm Coast vs. Dong & Ling Ma Zhang

15 Peninsula Lane

(Palm Coast Code Section 41-11(a) Trash Containers)

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The Respondents were not present. Officer Romeo testified the 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 Respondent correct the violation no later than three (3) days after this Order is entered in writing; that, in the event the Respondents do not comply with the Order, a fine in the amount of \$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. Mr. Roberts seconded the motion.

Roll was called:

**Mr. Branin – Yes
Mr. Copeland – Yes
Ms. McDowell – Yes**

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

Motion unanimously carried.

30. AI# 44

CASE NO. 2015050410 RECURRING BR

City of Palm Coast vs. Rudolph Wohlfarth

22 Pillory 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 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 is now 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. Ms. McDowell seconded the motion.

Roll was called:

**Mr. Branin – Yes
Mr. Copeland – Yes
Ms. McDowell – Yes**

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

Motion unanimously carried.

31. AI# 48

CASE NO. 2015040313 RECURRING Br

City of Palm Coast vs. Corinthians B. & Alicia Watson

18 Post Tree Lane

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

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The Respondents were not present. Officer Romeo 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 Respondents were in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation is now corrected; that 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. Copeland – Yes
Ms. McDowell – Yes**

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

Motion unanimously carried.

NEW BUSINESS:

Mr. Reischman advised the Board of a discussion had by City Council, regarding the Code Enforcement citizen complaint process. It was determined by City Council, when citizens register complaints on-line, they will be required to reveal their identity, in order for the system to accept their complaint(s). Mr. Reishmann explained this process has been implemented, as a means to curtail the number of unfounded complaints the Code office receives. He went on to explain citizens will, however, be able to continue registering anonymous complaints by phone, in person, or in writing.

Mr. Reischmann informed the Board, as per FL. State Statute 162, he could not provide legal representation to both City staff and the Board. As such, it was determined he would no longer serve as their attorney, as he would assume the responsibility of exclusively serving as legal counsel for City staff at Code Board meetings. Mr. Reischmann explained the City hired independent legal counsel to represent the Board at the meetings, which will commence as of the October 7th Hearing. He advised the attorney's name is Mary Steen and either she, or a colleague from the firm she represents would be in attendance at the meetings. Mr. Copeland asked if the Board would have an opportunity to meet with their newly appointed attorney, prior to the next Hearing and Mr. Reishmann stated it was possible, if they wanted to do so. Mr. Copeland suggested in addition to a meet and greet with Ms. Steen, he would like for a workshop to take place, with the inclusion of an agenda item to discuss the way in which Code Board meeting minutes are processed and prepared. Mr. Mugford asked for Mr. Copeland to clarify if his request for a workshop with the new attorney should be added as a new agenda item, for October's meeting. Mr. Copeland replied he wanted the Board to meet with their legal representative, on an occasion prior to the October 7, 2015 Hearing. Mr. Mugford asked for a vote. Before the vote commenced, Ms. Medley asked Mr. Copeland if he was willing to prepare a document for the Board's review, prior to meeting with Ms. Steen, regarding his concerns on how the minutes are processed. Mr. Copeland stated he would be willing to do so. Mr. Mugford requested a motion, to ascertain if the majority of the Board agreed with Mr. Copeland's proposal to conduct a meeting with legal counsel, prior to the October 7th Hearing. Mr. Branin made a motion affirming he agreed and Mr. Copeland seconded.

**Mr. Branin – Yes
Mr. Copeland – Yes
Ms. McDowell – No**

**Ms. Medley - No
Mr. Mugford -No
Mr. Roberts – Yes**

Mr. Reischmann explained according to Robert's Rules, a tied vote indicated the motion failed and a new motion could be made, if the Board chose to do so. Mr. Copeland posed the question to the Board, asking if his colleagues were choosing not to meet with their new attorney, prior to October's meeting. Mr. Mugford stated he felt it was not necessary to meet the attorney to have a discussion regarding a particular case. Mr. Copeland reiterated he wanted to confirm that the Board was voting not to have a meeting with the new attorney. Mr. Mugford then asked if anyone would like to make a new motion and there was no response.

Mr. Mugford informed the Board unless re-appointed by City Council, this meeting was going to be his last. He expressed his appreciation to his fellow Board members for their service and he also thanked City staff.

ANNOUNCEMENT OF NEXT MEETING:

The next meeting of the Code Enforcement Board will be held on Wednesday, October 7, 2015.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:40 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.