CODE ENFORCEMENT BOARD

Wednesday, December 7, 2016 at 10:00 a.m.

Intracoastal Room Palm Coast City Hall

160 Lake Avenue, Palm Coast, Florida

BOARD MEMBERS PRESENT: Kenneth Carruth, Neil Copeland, Richard LaPadula, Tameka

Maccherone, Kimble Medley, Norman Mugford

BOARD MEMBERS EXCUSED: Robert Branin

BOARD COUNSEL PRESENT: Mary Snead

STAFF MEMBERS PRESENT: Code Enforcement Manager Grossman, Supervisor Mendez,

Officers Burton, Festa, Fitzgerald, Hadden, MacDonald, Risch, Shelley, Stafford, Business Tax Receipts Supervisor Maher,

Code Enforcement Clerk Wry and City Counsel Bill

Reischmann

A. Call to Order and Pledge of Allegiance.

The meeting was called to order at 10:00 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 November 2, 2016 Meeting Minutes

The Minutes were unanimously approved.

D. Disclosure of Ex-Parte Communications.

None to report.

- E. Swearing in of Respondents: The respondents who were present were sworn in by Mary Sneed, Counsel for the Code Board.
- F. Withdrawn Cases:

AI# 2	CASE NO. 2016081320 - 7 Carlson Place
AI# 5	CASE NO. 2016090362 - 7 Bressler Lane
AI# 6	CASE NO. 2016061112 - 2 Bunker View Drive
AI# 11	CASE NO. 2016090848 - 75 Wentworth Lane
AI# 13	CASE NO. 2016081115 - 70 Red Mill Drive
AI# 14	CASE NO. 2016080528 - 50 Ryland Drive
AI# 17	CASE NO. 2016080621 - 12 Coconut Court
AI# 18	CASE NO. 2016080256 - 13 Collington Court
AI# 19	CASE NO. 2016090601 - 34 Coral Reef Court North
AI# 20	CASE NO. 2016051050 - 19 Faith Lane

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AI# 21
             CASE NO. 2016051051 - 19 Faith Lane
AI# 22
            CASE NO. 2016080986 - 2 Felshire Lane
AI# 23
            CASE NO. 2016081201 - 50 Fernwood Lane
AI# 26
            CASE NO. 2016081375 - 56 Freneau Lane
AI# 27
            CASE NO. 2016071139 - 222 Parkview Drive
AI# 30
             CASE NO. 2016071509 - 60 Plain View Drive
AI#33
            CASE NO. 2016060933 - 15 Poplar Drive
AI#37
            CASE NO. 2016040774 - 8 Squirrel Place
AI# 43
            CASE NO. 2016030132 - 80 Upshire Path
            CASE NO. 2016030133 - 80 Upshire Path
AI# 44
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G. Continued Cases:

AI# 2	CASE NO. 2016090527 – 27 Lloshire Path
AI# 15	CASE NO. 2016051547 – 12 Cleveland Court
AI# 28	CASE NO. 2016080031 – 54 Pheasant Drive
AI# 29	CASE NO. 2016080863 – 23 Philox Lane
AI# 31	CASE NO. 2016071505 – 90 Plain View Drive
AI# 32	CASE NO. 2016080676 – 7 Pointer Place
AI# 34	CASE NO. 2016080723 – 58 Post View Drive
AI# 35	CASE NO. 2016080029 – 33 Prosperity Lane

1. AI# 7

CASE NO. 2016090844 BMD

City of Palm Coast vs. Vladimir & Zoya Kipchik

12 Lansdowne Lane

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

Code Enforcement Officer MacDonald presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer MacDonald testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs. Respondent, Stephanie Henry (tenant) presented her side.

Ms. Maccherone 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 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. Ms. Medley seconded the motion.

Roll was called:

Mr. Carruth – Yes	Ms. Maccherone - Yes
Mr. Copeland - Yes	Ms. Medley - Yes
Mr. LaPadula - Yes	Mr. Mugford - Yes

Motion unanimously carried.

2. AI# 7

CASE NO. 2016090689 BMD

City of Palm Coast vs. Vladimir & Zoya Kipchik

12 Lansdowne Lane

(Palm Coast Code Section 35-76(d)(1) Nuisance-Accumulations)

Code Enforcement Officer MacDonald presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer MacDonald testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs. Respondent Stephanie Henry (tenant) her side.

Ms. Maccherone 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 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. Carruth seconded the motion.

Roll was called:

Mr. Carruth – Yes
Mr. Copeland - No
Ms. Maccherone - Yes
Mr. LaPadula - Yes
Mr. Mugford - Yes

Motion carried 5 to 1.

3. AI# 39

CASE NO. 2016090306 RECURRING (4) JS City of Palm Coast vs. Sweetwater Custom Homes Inc. 17 Ullman Court (B) (Palm Coast Code Section 15-108(d) Weeds/Overgrowth)

Code Enforcement Officer Stafford presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Stafford testified the property is in compliance. Staff recommends a No Fine Standing Order - Recurring Violation and Administrative Costs. Respondent Jessica Hall (tenant) presented her side.

Mr. Carruth 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 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. LaPadula seconded the motion.

Roll was called:

Mr. Carruth – Yes
Mr. Copeland - Yes
Mr. LaPadula - Yes
Mr. Mugford - Yes

Motion unanimously carried.

4. AI# 42

CASE NO. 2016081132 PA

City of Palm Coast vs. Eleonora Tchernomorets

28 Wood Acre Lane

(Palm Coast Code Section 35-76(d)(1 & 2) Excessive Accumulation of Growth on Fence)

Code Enforcement Officer Arena presented case history, paperwork and photos into evidence. Officer Arena testified the property is in compliance and the city is requesting this case be withdrawn. City Attorney Reischmann further explained the reason why this case was being brought before the board was because property owner filed an appeal for this case. Respondent Elonora Tchernomorets presented her side.

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

Roll was called:

Mr. Carruth – Yes
Mr. Copeland - Yes
Mr. LaPadula - Yes
Mr. Ms. Maccherone - Yes
Ms. Medley - Yes
Mr. Mugford - Yes

Motion unanimously carried.

5. AI# 24

CASE NO. 2016090494 RECURRING (5) CSR
City of Palm Coast vs. Harold E. & Marlis Plumley
26 Fordney Place
(Palm Coast Code Section 44-34(f) Vehicle Improperly Parked)

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. Respondents Marlis & Harold Plumley presented their 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 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. LaPadula seconded the motion.

Roll was called:

Mr. Carruth – Yes
Mr. Copeland - Yes
Mr. LaPadula - Yes
Mr. Maccherone - Yes
Ms. Medley - Yes
Mr. Mugford - Yes

Motion unanimously carried.

6. AI# 38

CASE NO. 2016081518 RECURRING (2) JS City of Palm Coast vs. Norma E. Holmes 111 Ulaturn Trail (Palm Coast Code Section 15-108(d) Weeds/Overgrowth)

Code Enforcement Officer Stafford presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Stafford testified the property is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation and Administrative Costs. Respondent Norma Holmes 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 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. Maccherone seconded the motion.

Roll was called:

Mr. Carruth – Yes
Mr. Copeland - Yes
Mr. LaPadula - Yes
Mr. Maccherone - Yes
Ms. Medley - Yes
Mr. Mugford - Yes

Motion unanimously carried.

7. AI# 4

CASE NO. 2016091078 RECURRING (5) BS
City of Palm Coast vs. Teri A. Robinson
28 Ballenger Lane
(Palm Coast Code Section 15-108(h) Inoperable Vehicle)

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

Mr. Carruth moved to find that the Respondent is in violation of the City Code as charged; that the Respondent correct the violation no later than three (3) days after this Order is entered in writing; that in the event the Respondent does not comply with the Order, a fine in the amount of \$50.00 will be imposed for each and every day the violation continues past the aforestated 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 Maccherone seconded the motion.

Roll was called:

Mr. Carruth – Yes
Mr. Copeland - Yes
Mr. LaPadula - Yes
Mr. Maccherone - Yes
Ms. Medley - Yes
Mr. Mugford - Yes

Motion unanimously carried.

8. AI# 9

CASE NO. 2016081526 SB
City of Palm Coast vs. David J. King, Jr.
8 Eastwood Drive
(Palm Coast Code Section 17-39(a) Residential Rental Program)

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

Mr. Carruth moved to find that the Respondent is in violation of the City Code as charged; that the Respondent correct the violation no later than ten (10) days after this Order is entered in writing; that in the event the Respondent does not comply with the Order, a fine in the amount of \$25.00 will be imposed for each and every day the violation continues past the aforestated 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. Medley seconded the motion.

Roll was called:

Mr. Carruth – Yes
Mr. Copeland - Yes
Mr. LaPadula - Yes
Mr. Maccherone - Yes
Ms. Medley - Yes
Mr. Mugford - Yes

Motion unanimously carried.

9. AI# 10

CASE NO. 2016090500 REPEAT

City of Palm Coast vs. Jason Hambrick

18 Emmons Lane

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

Code Enforcement Officer Burton presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Burton 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. Maccherone 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 1, 2016; that a \$1,200.00 per day fine is imposed for the period of non-compliance from September 22, 2016 to September 30, 2016 totaling \$7,200.00. The Respondent shall pay Administrative Costs to the City in the amount of \$74.00. Mr. Carruth seconded the motion.

SB

Roll was called:

Mr. Carruth – YesMs. Maccherone - YesMr. Copeland - YesMs. Medley - YesMr. LaPadula - YesMr. Mugford - Yes

Motion unanimously carried.

10. AI# 12

CASE NO. 2016090456

City of Palm Coast vs. Dorothy M. Glover

23 Philox Lane

(Palm Coast Code Section 44-34(b) Swale Parking Between 1 & 6 AM)

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. Carruth 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 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. LaPadula seconded the motion. Roll was called:

Mr. Carruth – Yes
Mr. Copeland - Yes
Ms. Maccherone - Yes
Ms. Medley - Yes

Mr. LaPadula - Yes

Mr. Mugford - Yes

Motion unanimously carried.

11. AI# 16

CASE NO. 2016090562 RECURRING (4) MH
City of Palm Coast vs. M. Weber LLC
94 Club House Drive
(Palm Coast Code Section 44-34(d)(2) Parking of Boat/Trailer)

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 No Fine Standing Order – Recurring Violation and Administrative Costs.

Mr. Carruth 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 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. LaPadula seconded the motion.

Roll was called:

Mr. Carruth – Yes
Mr. Copeland - Yes
Mr. LaPadula - Yes
Mr. Maccherone - Yes
Ms. Medley - Yes
Mr. Mugford - Yes

Motion unanimously carried.

12. AI# 25

CASE NO. 2016090387 RECURRING (5) CSR City of Palm Coast vs. Kevin J. Tadlock
34 Freeport Lane
(Palm Coast Code Section 15-108(d) Weeds/Overgrowth)

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

Mr. Carruth 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 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. Carruth – Yes
Mr. Copeland - Yes
Mr. LaPadula - Yes
Mr. Ms. Medley - Yes
Mr. Mugford - Yes

Motion unanimously carried.

13. AI# 36

CASE NO. 2016090546 REPEAT (1) JS

City of Palm Coast vs. Kristy Throne

16 Sleigh Bell Place

(Palm Coast Code Section 44-34(f) Trailer/Boat Improperly Parked)

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

Mr. Carruth 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 has not brought the property into compliance as of December 6, 2016; that a \$100.00 per day fine is imposed for the period of non-compliance from September 12, 2016 to December 6, 2016 totaling \$7,200.00; that a fine of \$100.00 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. Ms. Medley seconded the motion.

Roll was called:

Mr. Carruth – Yes
Mr. Copeland - Yes
Mr. LaPadula - Yes
Mr. Maccherone - Yes
Ms. Medley - Yes
Mr. Mugford - Yes

Motion unanimously carried.

14. AI# 40

City of Palm Coast vs. Leon D. Jr. & Maria Cousin

11 Undershire Path

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

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

Ms. Maccherone 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 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. Carruth – Yes
Mr. Copeland - Yes
Mr. LaPadula - Yes
Mr. Mugford - Yes

Motion unanimously carried.

15. AI# 41

CASE NO. 2016030130 MASSEY JS

City of Palm Coast vs. Jessica Anne Darracott

241 Underwood Trail

(Palm Coast Code Section 15-110(a)(13) Window in Disrepair)

Code Enforcement Officer Stafford presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Stafford 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. Carruth 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 June 22, 2016 to December 6, 2016 totaling \$8,400.00; 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 in to compliance, an Affidavit of Compliance will be issued. Ms. Medley seconded the motion.

Roll was called:

Mr. Carruth – YesMs. Maccherone - YesMr. Copeland - YesMs. Medley - YesMr. LaPadula - YesMr. Mugford - Yes

Motion unanimously carried.

16. AI# 42

CASE NO. 2016040906 MASSEY

City of Palm Coast vs. Shawn M. & Joseph D. Eberhardinger 80 Upshire Path

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

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

Mr. Carruth moved to find in this case that Respondent was in violation of the City Code as charged; that the Respondent failed to correct the violation by the time specified for correction by the Code Enforcement Board in the Board's Order entered into evidence in this case; that the Respondent brought the property into compliance on August 18, 2016, that a fine of \$25.00 per day is imposed for the period of non-compliance from August 15, 2016 to August 17, 2016; totaling \$50.00. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Ms. Medley seconded the motion.

Roll was called:

Mr. Carruth – YesMs. Maccherone - YesMr. Copeland - YesMs. Medley - YesMr. LaPadula - YesMr. Mugford - Yes

Motion unanimously carried.

OLD BUSINESS:

None to report.

NEW BUSINESS:

The election for Chairperson of the Code Board took place. After the votes were tallied by Board Attorney Ms. Sneed, it was determined Mr. Mugford was re-elected as Chair with five (5) votes and Mr. Copeland was re-elected as Vice Chair with four (4) votes.

ANNOUNCEMENT OF NEXT MEETING:

The next meeting of the Code Enforcement Board will be held on Wednesday, January 4, 2017 at 10:00am.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:15 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 Lake Avenue, 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.