

CODE ENFORCEMENT BOARD
Wednesday, January 4, 2017 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, Robert Branin, Norman Mugford

BOARD MEMBERS EXCUSED: Kimble Medley

BOARD COUNSEL PRESENT: Mary Sneed

STAFF MEMBERS PRESENT: Code Enforcement Manager Grossman, Supervisor Mendez, Code Enforcement Officers Festa, Hadden, MacDonald, Risch, Shelley, Stafford, Romeo, 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 December 7, 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- F. Withdrawn Cases:**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. 2016101240 - 3 Pine Cone Drive
AI# 10	CASE NO. 2016070062 - 8 Radial Place
AI# 20	CASE NO. 2016081085 - 15 Poppy Lane
AI# 26	CASE NO. 2016090948 - 9 Fallwood Lane
AI# 27	CASE NO. 2016090940 - 31 Farnell Lane
AI# 33	CASE NO. 2016101711 - 103 North Coopers Hawk Way
AI# 36	CASE NO. 2016090541 - 28 Seaman Trail East
AI# 39	CASE NO. 2016071544 - 11 Seton Place

AI# 13 CASE NO. 2016080030 - 59 Riverina Drive
AI# 17 CASE NO. 2016081473 - 23 Philox Lane
AI# 37 CASE NO. 2016091411 - 9 Sergeant Court

1. AI# 38

CASE NO. 2016091406 RECURRING (3)

City of Palm Coast vs. David J. Engelke

46 Serbian Bellflower Trail

(Palm Coast Code Section 17-39(a) 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. David & Katherine Engelke, Respondents, presented their side.

Ms. Maccherone moved to find in this case that Respondent was in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation 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. Carruth – Yes

Mr. LaPadula – Yes

Mr. Branin – Yes

Mr. Copeland - Yes

Mr. Mugford - Yes

Ms. Maccherone – Yes

Motion unanimously carried.

2. AI# 12

CASE NO. 2016090420 REPEAT (2) JF

City of Palm Coast vs. Gregory & Yelena Moroshek

35 Rickenbacker Drive

(Palm Coast Code Section 44-34(c) Parking of a Commercial Veh. In Residential Dist.)

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 fine for the period of non-compliance and Administrative Costs. Amanda Raslowsky, tenant, presented her side.

Mr. Carruth moved to find in this case that 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 September 18, 2016; that

a \$100.00 per day fine is imposed for the period of non-compliance on September 17, 2016; totaling \$100.00. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50.

Motion failed as there was no second to the motion.

Mr. Copeland moved to find in this case that 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 September 18, 2016; that no fine be imposed for the period of non-compliance on September 17, 2016. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Ms. Maccherone seconded the motion.

Roll was called:

**Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes**

**Mr. Copeland - Yes
Mr. Mugford - Yes
Ms. Maccherone – Yes**

Motion unanimously carried.

3. AI# 28

CASE NO. 2016061579

CSR

City of Palm Coast vs. Emergent Growth Properties LLC

13 Farragut Drive

(Palm Coast Code Section 35-76(d)(1) Nuisance-Loud/Raucous Noise)

Code Enforcement Officer Risch presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Risch testified the property remains in violation. Staff recommends a Fine – Violation Order and Administrative Costs. Andrew Trotte, tenant, presented his side.

Mr. Branin moved to find 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. The Respondent shall pay Administrative Costs to the City in the amount of \$69.00

Motion failed as there was no second to the motion.

A lengthy discussion regarding proper noticing procedures and amount of fine to be levied ensued. The City Attorney and Board attorney gave opinion and advice as to what the Board could impose.

Mr. Copeland moved to find 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 \$100.00

will be imposed for each and every day the violation continues past the aforesated date. The Respondent shall pay Administrative costs to the City in the amount of \$69.50. Mr. LaPadula seconded the motion.

Roll was called:

Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes

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

Motion unanimously carried.

4. AI# 22

CASE NO. 2016081616 REPEAT (1) BR

City of Palm Coast vs. Sandra Hardy

38 Port Echo Lane

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

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 fine for the period of non-compliance and Administrative Costs. Sandra Hardy, Respondent, presented her side.

Ms. Maccherone moved to find in this case that 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 August 31, 2016; that a \$100.00 per day fine is imposed for the period of non-compliance on August 30, 2016; totaling \$100.00. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Copeland seconded the motion.

Roll was called:

Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes

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

Motion unanimously carried.

5. AI# 4

CASE NO. 2016091418 RECURRING (2) BMD

City of Palm Coast vs. Chandrika & Aswarie D. Singh

22 Buttonbush Lane

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

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 – Recurring Violation and Administrative Costs. Chandrika Singh, Respondent, presented his side.

Mr. Branin moved to find in this case that Respondent was in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation 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. LaPadula seconded the motion.

Roll was called:

**Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes**

**Mr. Copeland - Yes
Mr. Mugford - Yes
Ms. Maccherone – Yes**

Motion unanimously carried.

6. AI# 30

CASE NO. 2016090593

CSR

City of Palm Coast vs. Edward Yavorskiy & Irina Olshanskaya

58 Fordham Lane

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

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. Cathy Burak, property manager, presented her side.

Mr. Branin moved to find in this case that Respondent was in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation 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. Ms. Maccherone seconded the motion.

Roll was called:

**Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes**

**Mr. Copeland - Yes
Mr. Mugford - Yes
Ms. Maccherone – Yes**

Motion unanimously carried.

7. AI# 15

CASE NO. 2016091028 REPEAT JF

City of Palm Coast vs. Yelena Simashova

76 Ryeclyffe Drive

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

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 fine for the period of non-compliance and Administrative Costs. Kurtis Hawkins, tenant, presented his side and requested the fine be waived.

Mr. Branin moved to find in this case that 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 September 23, 2016; that no fine be imposed. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Ms. Maccherone seconded the motion.

Roll was called:

Mr. Carruth – Yes

Mr. LaPadula – Yes

Mr. Branin – Yes

Mr. Copeland - Yes

Mr. Mugford - Yes

Ms. Maccherone – Yes

Motion unanimously carried.

8. AI# 16

CASE NO. 2016061453 REDUCTION BR

City of Palm Coast vs. Alena Dvornikova & Ulugbek Djuraev

284 Parkview Drive

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

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 states the Respondent is present to request a reduction in fine. Alena Dvornikova, Respondent, presented her side and requested elimination of fine.

Mr. Copeland moved to reduce the fine to \$100.00. Mr. Branin seconded the motion.

Roll was called:

Mr. Carruth – Yes

Mr. LaPadula – Yes

Mr. Branin – Yes

Mr. Copeland - Yes

Mr. Mugford - Yes

Ms. Maccherone – Yes

Motion unanimously carried.

9. AI# 1

CASE NO. 2016101421 RECURRING (3) BS

City of Palm Coast vs. Igor Shalamov

74 Belvedere Lane

(Palm Coast Code Section 35-76 Nuisance-Oil Stain on Driveway)

Code Enforcement Officer Shelley presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Shelley 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 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. Carruth – Yes

Mr. LaPadula – Yes

Mr. Branin – Yes

Mr. Copeland - Yes

Mr. Mugford - Yes

Ms. Maccherone – Yes

Motion unanimously carried.

10. AI# 3

CASE NO. 2016100185 BMD

City of Palm Coast vs. Raymond J. & Kathleen G. Sibley

11 Bird of Paradise Drive

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

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

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

Roll was called:

Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes

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

Motion unanimously carried.

11. AI# 5

CASE NO. 2016090515

BMD

City of Palm Coast vs. Melissa L. & Jason Keating

8 Lamar lane

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

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

Mr. Branin moved to find in this case that the Respondent is in violation of the City Code as charged; that the Respondent correct the violation no later than one (1) day after this Order is entered in writing; that in the event the Respondent does not comply with the Order, a fine in the amount of \$50.00 per day 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. LaPadula seconded the motion.

Roll was called:

Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes

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

Motion unanimously carried.

12. AI# 6

CASE NO. 2016091274 RECURRING (4) MH

City of Palm Coast vs. Kwai Lan & Karen W. Mui

75 Cimmarron Drive

(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 No Fine Standing Order – Recurring Violation 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. Carruth seconded the motion.

Roll was called:

Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes

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

Motion unanimously carried.

13. AI# 24

CASE NO. 2016051050 MASSEY CSR
City of Palm Coast vs. Robert Kiziukiewicz
19 Faith Lane
(Palm Coast Code Section 15-1 No Permit for Windows)

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

Mr. Branin 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 has not brought the property into compliance; that a \$50.00 per day fine is imposed for the period of non-compliance from September 26, 2016 to January 3, 2017; totaling \$5,000.00 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. Carruth seconded the motion.

Roll was called:

Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes

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

Motion unanimously carried.

14. AI# 25

CASE NO. 2016051051 MASSEY CSR

City of Palm Coast vs. Robert Kiziukiewicz

19 Faith Lane

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

Code Enforcement Officer Risch presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Risch 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 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 December 6, 2016; that a \$50.00 per day fine is imposed for the period of non-compliance from September 20, 2016 to December 5, 2016; totaling \$3,800.00. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Ms. Maccherone seconded the motion.

Roll was called:

Mr. Carruth – Yes

Mr. LaPadula – Yes

Mr. Branin – Yes

Mr. Copeland - Yes

Mr. Mugford - Yes

Ms. Maccherone – Yes

Motion unanimously carried.

15. AI# 29

CASE NO. 2016061778 MASSEY CSR

City of Palm Coast vs. York & Phyllis Halyard

19 Fayette Lane

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

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

Mr. Branin 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 has not brought the property into compliance; that a \$100.00 per day fine is imposed for the period of non-compliance from October 26, 2016 to January 3, 2017; totaling \$7,000.00 and 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. When the property comes into compliance, an Affidavit of Compliance will be issued. Mr. LaPadula seconded the motion.

Roll was called:

Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes

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

Motion unanimously carried.

16. AI# 31

CASE NO. 2016090938

CSR

City of Palm Coast vs. Lisa Riccardi

57 Forrester Place

(Palm Coast Code Section 35-76(d)(1) Nuisance-Mold & Stains on House)

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

Mr. Branin moved to find in this case that Respondent is in violation of the City Code as charged; that the Respondent correct the violation no later than seven (7) 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. 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. LaPadula – Yes
Mr. Branin – Yes

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

Motion unanimously carried.

17. AI# 32

CASE NO. 2016020446

REDUCTION

CSR

City of Palm Coast vs. Gabriel P. & Genevieve M. Scarnato

23 Fort Caroline Lane

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

The request for reduction was dismissed as no Respondent was present to present the request.

18. AI# 7

CASE NO. 2016081545

MH

City of Palm Coast vs. Patricia H. Canino

5 Coconut Court

(Palm Coast Code Section 44-33(b) Parking in Swale between 1 & 6 AM)

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 and Administrative Costs.

Ms. Maccherone moved to find in this case that Respondent was in violation of the City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation 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. LaPadula seconded the motion.

Roll was called:

Mr. Carruth – Yes

Mr. LaPadula – Yes

Mr. Branin – Yes

Mr. Copeland - Yes

Mr. Mugford - Yes

Ms. Maccherone – Yes

Motion unanimously carried.

19. AI# 8

CASE NO. 2016081512

MH

City of Palm Coast vs. Catalin & Ancuta Gavrilla

61 Comanche Court

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

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 the case that the Respondent is in violation of the City Code as charged; that the Respondent correct the violation no later than ten (10) days after this Order is entered in writing; that in the event the Respondent does not comply with the Order, a fine in the amount of \$50.00 will be imposed for each and every day the violation continues past the aforesated date; that the Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order. The Respondent shall pay Administrative Costs to the City in the amount of \$69.00. Mr. LaPadula seconded the motion.

Roll was called:

Mr. Carruth – Yes

Mr. Copeland - Yes

Mr. LaPadula – Yes
Mr. Branin – Yes

Mr. Mugford - Yes
Ms. Maccherone – Yes

Motion unanimously carried.

20. AI# 9

CASE NO. 2016091249 RECURRING (4) MH
City of Palm Coast vs. Gulhan & Nancy & Han Kanier
1 Fanwood Court
(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 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 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. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes

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

Motion unanimously carried.

21. AI# 11

CASE NO. 2016070168 JF
City of Palm Coast vs. Cliff Wold
15 Raemoor Drive
(Palm Coast Code Section 17-39(a) Residential Rental Program)

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

Mr. Branin moved to find in the case that the Respondent is in violation of the City Code as charged; that the Respondent correct the violation no later than ten (10) days after this Order is entered in writing; that in the event the Respondent does not comply with the Order, a fine in the amount of \$25.00 will be imposed for each and every day the violation continues past the aforesated date; that the Respondent is further ordered to contact the Code Enforcement Officer

to verify compliance with this Order. The Respondent shall pay Administrative Costs to the City in the amount of \$69.00. Mr. LaPadula seconded the motion.

Roll was called:

Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes

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

Motion unanimously carried.

22. AI# 14

CASE NO. 2016091186 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 a 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 fine for the period of non-compliance.

Mr. LaPadula moved to find in this case that 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 September 27, 2016; that a fine of \$250.00 per day fine is imposed for the period of non-compliance on September 26, 2016. The Respondent shall pay Administrative Costs to the City in the amount of \$70.50. Mr. Branin seconded the motion.

Roll was called:

Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes

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

Motion unanimously carried.

23. AI# 18

CASE NO. 2016081323 RECURRING (3) BR

City of Palm Coast vs. Albert Hall

7 Pine Haven 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.

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. LaPadula seconded the motion.

Roll was called:

**Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes**

**Mr. Copeland - Yes
Mr. Mugford - Yes
Ms. Maccherone – Yes**

Motion unanimously carried.

24. AI# 19

CASE NO. 2016090309 RECURRING (7) BR
City of Palm Coast vs. David A. & Jamie Grussgott
60 Point of Woods 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.

Mr. LaPadula 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. Carruth seconded the motion.

Roll was called:

**Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes**

**Mr. Copeland - Yes
Mr. Mugford - Yes
Ms. Maccherone – Yes**

Motion unanimously carried.

25. AI# 21

CASE NO. 2016080479 RECURRING (1) BR

City of Palm Coast vs. Ronald P. & Dolores Adams
37 Port Echo Lane
(Palm Coast Code Section 35-76(d)(1) Nuisance-Broken Trampoline)

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

Mr. 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. LaPadula seconded the motion.

Roll was called:

**Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes**

**Mr. Copeland - Yes
Mr. Mugford - Yes
Ms. Maccherone – Yes**

Motion unanimously carried.

26. AI# 23

CASE NO. 2016020354 MASSEY BR
City of Palm Coast vs. Natalee Irving & Maureen A. Samuels
72 Upshire Path
(Palm Coast Code Section 17-39(a) Residential Rental Program)

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

Mr. Branin 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 has not brought the property into compliance; that a \$25.00 per day fine is imposed for the period of non-compliance from August 22, 2016 to January 3, 2017; totaling \$3,375.00 and that a fine of \$25.00 per day shall continue to run until the property is brought into compliance and an Affidavit of Compliance has been filed by the Code Enforcement Officer. The Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. When the property comes into compliance an Affidavit of Compliance will be issued. Ms. Maccherone seconded the motion.

Roll was called:

Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes

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

Motion unanimously carried.

27. AI# 32

CASE NO. 2016020446 REDUCTION CSR
City of Palm Coast vs. Gabriel P. & Genevieve M. Scarnato
23 Fort Caroline Lane
(Palm Coast Code Section 15-108(h) Unlicensed Vehicle)

The request for reduction was dismissed as no Respondent was present to present the request.

28. AI# 34

CASE NO. 2016091504 RECURRING (3) JS
City of Palm Coast vs. Ty A. & Dawn M. Mercer
41 Sea Breeze Trail
(Palm Coast Code Section 17-39(a) 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 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. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes

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

Motion unanimously carried.

29. AI# 35

CASE NO. 2016090256 JS
City of Palm Coast vs. John Clark

25 Seaman Trail East

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

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 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. Carruth seconded the motion.

Roll was called:

**Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes**

**Mr. Copeland - Yes
Mr. Mugford - Yes
Ms. Maccherone – Yes**

Motion unanimously carried.

30. AI# 40

CASE NO. 2016091009 RECURRING (3) JS

City of Palm Coast vs. Darrel & Katie Victoria Joyner

24 Seven Champions Path North

(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.

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 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. LaPadula seconded the motion.

Roll was called:

**Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes**

**Mr. Copeland - Yes
Mr. Mugford - Yes
Ms. Maccherone – Yes**

Motion unanimously carried.

31. AI# 41

CASE NO. 2016091350 RECURRING (3) JS
City of Palm Coast vs. Eric E. Orupt & Michelle P. Dulaney
5 Seward Trail
(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.

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. LaPadula seconded the motion.

Roll was called:

Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes

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

Motion unanimously carried.

32. AI# 42

CASE NO. 2016091352 RECURRING (3) JS
City of Palm Coast vs. Gerald A. Rumptz
104 Sloganeer Trail
(Palm Coast Code Section 44-34(f) Vehicle Improperly Parked)

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 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. Copeland seconded the motion.

Roll was called:

Mr. Carruth – Yes
Mr. LaPadula – Yes
Mr. Branin – Yes

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

Motion unanimously carried.

OLD BUSINESS:

None to report.

NEW BUSINESS:

The City Attorney explained to the Board the process for collecting fines/fees resulting from Board actions. He also reminded the Board members that on occasion the City has initiated foreclosure proceedings.

Discussion ensued regarding the time given to property owners for correction of violations. Mr. Branin stated he does not feel 15 minutes is sufficient to expect resolution of a violation. The City Attorney discussed the reasoning behind giving 15 minutes in certain situations. He also advised if the Board member does not agree with the time, they have the option of not passing the motion.

ANNOUNCEMENT OF NEXT MEETING:

The next meeting of the Code Enforcement Board will be held on Wednesday, February 1, 2017 at 10:00am.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 12:18 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 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.