

CODE ENFORCEMENT BOARD
Wednesday, August 3, 2016 at 10:00 a.m.
Intracoastal Room
Palm Coast City Hall
160 Lake Avenue, Palm Coast, Florida

BOARD MEMBERS PRESENT: Robert Branin, Kenneth Carruth, Neil Copeland, Tameka McDowell, Kim Medley, Norman Mugford, Dean Roberts

BOARD COUNSEL PRESENT: Mary Snead

STAFF MEMBERS PRESENT Code Enforcement Manager Grossman, Supervisor Mendez, Officers Festa, Fitzgerald, Hadden, MacDonald, Risch, Romeo, Stafford, 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 July 6, 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 Snead, Counsel for the Code Board.**
- F. Withdrawn Cases:**
 - AI# 4** CASE NO. 2016041529 - *100 Westfield Lane*
 - AI# 5** CASE NO. 2016030328 - *63 Westover Lane*
 - AI# 6** CASE NO. 2016050348 - *3 Whippoorwill Drive*
 - AI# 11** CASE NO. 2016040644 - *76 Karas Trail*
 - AI# 14** CASE NO. 2016050351 - *1 Zeppelin Court*
 - AI# 15** CASE NO. 2016050606 - *25 Fairmont Lane*
 - AI# 26** CASE NO. 2016041200 - *24 Pine Hill Lane*
 - AI# 27** CASE NO. 2016041201 - *24 Pine Hill Lane*
 - AI# 30** CASE NO. 2016031230 - *16 Sea Flower Path*
 - AI# 31** CASE NO. 2016050254 - *13 Seckel Court*
 - AI# 33** CASE NO. 2016031251 - *2 Sleepy Hollow Trail*
 - AI# 34** CASE NO. 2016041670 - *80 Sloganeer Trail*
 - AI# 35** CASE NO. 2016031318 - *86 Smith Trail*
 - AI# 38** CASE NO. 2016040200 - *36 Upshire Path*

AI# 40 CASE NO. 2016030291 - 38 Slocum Path
 AI# 41 CASE NO. 2016041375 - 174 Cypress Point Pkwy
 AI# 42 CASE NO. 2016041575 - 84 Pinnacles Drive 1
 AI# 43 CASE NO. 2016041655 - 6115 State Hwy 100 E.
 AI# 44 CASE NO. 2016041656 - 6115 State Hwy 100 E.
 AI# 45 CASE NO. 2016041239 - 226 SW Palm Coast Pkwy

G. Continued Cases:

AI# 20 CASE NO. 2016050406 – 32 Rainbow Lane
 AI# 10 CASE NO. 2016040575 – 11 Old Kings Road North

1. AI# 37

CASE NO. 2016040747 RECURRING JS
City of Palm Coast vs. Yelena Vergazova
9 Universe Court
(Palm Coast Code Section 35-76(d-1) Nuisance – Accumulations)

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 and Administrative Costs. Ms. Esmeralda Jiles (tenant) presented her 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 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. Branin – Yes	Mr. Mugford- Yes
Mr. Carruth – Yes	Ms. McDowell - Yes
Mr. Roberts – Yes	Ms. Medley - Yes
Mr. Copeland - Yes	

Motion unanimously carried.

2. AI# 7

CASE NO. 22016040184 MH
City of Palm Coast vs. Maureen E. Pecukonis
1 Chesney Court
(Palm Coast Code Section 41-11(a) Trash Containers)

Code Enforcement Officer Hadden presented case history, paperwork and photos into evidence. The property owner was not present, however, the evidence was shown to attorney Ron Hertel, who represents the tenant occupying the residence. Officer Hadden testified the property remains in violation. Staff recommends a Fine – Violation Order and Administrative Costs. Attorney Ron Hertel and Dan Priotti (tenant) presented their side.

Mr. Copeland moved to find that the Respondent is in violation of the City Code as charged; that the Respondent correct the violation no later than five (5) days after this Order is entered in writing; that in the event the Respondent does not comply with the Order, a fine in the amount of \$50.00 will be imposed for each and every day the violation continues past the aforesaid 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. Roberts seconded the motion.

Roll was called:

**Mr. Branin – Yes
Mr. Carruth – Yes
Mr. Roberts – Yes
Mr. Copeland – Yes**

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

Motion unanimously carried.

3. AI# 2

CASE NO. 20160050171 RECURRING BMD
City of Palm Coast vs. Roman & Irene Okner
50 Bunker View Drive
(Palm Coast Code Section 44-34(f) Vehicle Improperly Parked)

Code Enforcement Officer MacDonald presented case history, paperwork and photos into evidence. The Respondents were not present. Officer MacDonald 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 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. McDowell seconded the motion.

Roll was called:

**Mr. Branin – Yes
Mr. Carruth – Yes
Mr. Roberts – Yes
Mr. Copeland – Yes**

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

Motion unanimously carried.

4. AI# 3

CASE NO. 2016040934 REPEAT BMD

City of Palm Coast vs. Stuart & Carol Citron

22 Long Place

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

Code Enforcement Officer MacDonald presented case history, paperwork and photos into evidence. The Respondents were not present. Officer MacDonald 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 April 15, 2016; that a \$100.00 per day fine is imposed for the period of non-compliance on April 14, 2016; totaling \$100.00. The Respondent shall pay Administrative Costs to the City in the amount of \$70.00. Mr. Carruth seconded the motion.

Roll was called:

Mr. Branin – Yes

Mr. Carruth – Not Present

Mr. Roberts – Yes

Mr. Copeland – Yes

Mr. Mugford- Yes

Ms. McDowell - Yes

Ms. Medley – Yes

Motion unanimously carried.

5. AI# 8

CASE NO. 2015040720 MH

City of Palm Coast vs. 4 Clearview LLC)

4 Clearview Court S.

(Palm Coast Code Section 35-76(d-1) Nuisance – Broken Elements in Seawall)

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. Roberts 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 \$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. Carruth seconded the motion.

Roll was called:

Mr. Branin – Yes
Mr. Carruth – Not Present
Mr. Roberts – Yes
Mr. Copeland – Yes

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

Motion unanimously carried.

6. AI# 9

CASE NO. 2015081493 MH
City of Palm Coast vs. RM Fifth Avenue LLC
4 Office Park Drive
(Palm Coast Code Section 15-1 No Permit for Remodel)

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

Ms. McDowell moved to find in this case that the Respondent was in violation of the City Code as charged; that the Respondent failed to correct the violation by the time specified for correction by the Code Enforcement Board in the Board’s Order entered into evidence in this case; that the Respondent has not brought the property into compliance; that a \$50.00 per day fine is imposed for the period of non-compliance from March 28, 2016 to August 2, 2016; totaling \$6,400.00; 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 in to compliance, an Affidavit of Compliance will be issued. Ms. Medley seconded the motion.

Roll was called:

Mr. Branin – Yes
Mr. Carruth – Yes
Mr. Roberts – Yes
Mr. Copeland – Yes

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

Motion unanimously carried.

7. AI# 12

CASE NO. 2016041290 LF
City of Palm Coast vs. William W. Schumacher
29 Kathleen Trail
(Palm Coast Code Section 35-76(d) Accumulation – Items in Front of Garage)

Code Enforcement Officer Fitzgerald presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Fitzgerald 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 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. Carruth seconded the motion.

Roll was called:

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

Motion unanimously carried.

8. AI# 13

CASE NO. 2016041292 RECURRING LF
City of Palm Coast vs. William W. Schumacher
29 Kathleen Trail
(Palm Coast Code Section 41-11(a) Trash Containers)

Code Enforcement Officer Fitzgerald presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Fitzgerald testified the property is in compliance. Staff recommends a No Fine Standing Order Recurring Violation 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 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. Mugford- Yes
Mr. Carruth –Yes	Ms. McDowell - Yes
Mr. Roberts – Yes	Ms. Medley – Yes
Mr. Copeland – Yes	

Motion unanimously carried.

9. AI# 16

CASE NO. 2016040779 RECURRING CSR
City of Palm Coast vs. Vincent & Marie Cona, Life Estate
48 Fischer Lane
(Palm Coast Code Section 15-108(d) Weeds/Overgrowth)

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 No Fine Standing Order – Recurring Violation 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 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. Branin – Yes	Mr. Mugford- Yes
Mr. Carruth –Yes	Ms. McDowell - Yes
Mr. Roberts – Yes	Ms. Medley – Yes
Mr. Copeland – Yes	

Motion unanimously carried.

10. AI# 17

CASE NO. 2016050749 RECURRING CSR
City of Palm Coast vs. Juanita Brook Holycross
90 Florida Park Drive
(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 is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation 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 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. Branin – Yes
Mr. Carruth –Yes
Mr. Roberts – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

11. AI# 18

CASE NO. 2016050286 RECURRING CSR
City of Palm Coast vs. William J. & Barbara Ann Mulvey
197 Frankford Lane
(Palm Coast Code Section 41-11(a) Trash Containers)

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 No Fine Standing Order – Recurring Violation 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 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. Branin – Yes
Mr. Carruth –Yes
Mr. Roberts – Yes
Mr. Copeland – Yes

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

Motion unanimously carried.

12. AI# 19

CASE NO. 2016050849 REPEAT JF
City of Palm Coast vs. Sandra Hardy
38 Port Echo Lane
(Palm Coast Code Section 15-114(a) Rubbish/Trash/Garbage)

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 for the period of non-compliance and Administrative Costs.

Mr. Branin moved to find in this case that the Respondent was in repeat violation of City Code as charged based on the Board’s prior Order entered against the same Respondent for the same violation; that the Respondent has not brought the property into compliance as of August 2, 2016; that a \$50.00 per day fine is imposed for the period of non-compliance from May 13, 2016 to August 2, 2016; totaling \$4,200.00; 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. Mr. Roberts seconded the motion.

Roll was called:

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

Motion unanimously carried.

13. AI# 21

CASE NO. 2016010149 MASSEY JF
City of Palm Coast vs. Qin Yi Lin
23 Red Clover Lane
(Palm Coast Code Section 15-108(h) Unlicensed Vehicle)

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 and Administrative Costs.

Mr. Copeland 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 June 27, 2016 that a fine of \$50.00 per day is imposed for the period of non-compliance from May 17, 2016 to June 26, 2016; totaling \$2,050.00. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Ms. McDowell seconded the motion.

Roll was called:

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

Motion unanimously carried.

14. AI# 23

CASE NO. 2016050317 REPEAT JF

City of Palm Coast vs. James Michael Jr. & Natalie Marie Sullivan

13 Rymer Lane

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

Code Enforcement Officer Festa presented case history, paperwork and photos into evidence. The Respondents were 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 May 5, 2016; that a \$50.00 per day fine is imposed for the period of non-compliance on May 4, 2016; totaling \$50.00. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Carruth seconded the motion.

Roll was called:

Mr. Branin – Yes

Mr. Carruth – Yes

Mr. Roberts – Yes

Mr. Copeland – Yes

Mr. Mugford- Yes

Ms. McDowell - Yes

Ms. Medley – Yes

Motion unanimously carried.

15. AI# 24

CASE NO. 2016040673 RECURRING BR

City of Palm Coast vs. Dorothy M. Glover

23 Philox Lane

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

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 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. McDowell seconded the motion.

Roll was called:

**Mr. Branin – Yes
Mr. Carruth – Yes
Mr. Roberts – Yes
Mr. Copeland - Yes**

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

Motion unanimously carried.

16. AI# 25

CASE NO. 2016041271 REPEAT BR
*City of Palm Coast vs. Rudolf Wolfarth
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 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 April 26, 2016; that a \$100.00 per day fine is imposed for the period of non-compliance from April 21, 2016 to April 25, 2015; totaling \$500.00. 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. Carruth – Yes
Mr. Roberts – Yes
Mr. Copeland - Yes**

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

Motion unanimously carried.

17. AI# 28

CASE NO. 2016041061 REPEAT BR
*City of Palm Coast vs. Gerardo A. Aguilar
58 Post View Drive
(Palm Coast Code Section 15-108(h) Unlicensed Vehicle)*

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Romeo 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 April 20, 2016; that a \$450.00 per day fine is imposed for the period of non-compliance from April 18, 2016 to April 19, 2015; totaling \$900.00. The Respondent shall pay Administrative Costs to the City in the amount of \$71.00. Mr. Roberts seconded the motion.

Roll was called:

Mr. Branin – Yes
Mr. Carruth –Yes
Mr. Roberts – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

18. AI# 29

CASE NO. 2016020354 BR
City of Palm Coast vs. Natalie 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 – Violation Order and Administrative Costs.

Mr. Roberts 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 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. Branin seconded the motion.

Roll was called:

Mr. Branin – Yes
Mr. Carruth –Yes
Mr. Roberts – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

19. AI# 32

CASE NO. 2016020365 RECURRING JS
City of Palm Coast vs. Eric E. Orpurt & Machel 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. Roberts 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. McDowell seconded the motion.

Roll was called:

**Mr. Branin – Yes
Mr. Carruth –Yes
Mr. Roberts – Yes
Mr. Copeland - Yes**

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

Motion unanimously carried.

20. AI# 36

CASE NO. 2016041612 REPEAT JS
City of Palm Coast vs. Michelle Whalen
20 Squash Blossom 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 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 20, 2016; that a \$50.00 per day fine is imposed for the period of non-compliance from April 28, 2016 to June 19, 2016; totaling \$1,050.00. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Roberts seconded the motion.

Roll was called:

**Mr. Branin – Yes
Mr. Carruth –Yes
Mr. Roberts – Yes
Mr. Copeland - Yes**

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

Motion unanimously carried.

21. AI# 39

CASE NO. 2013040906 REPEAT JS
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 remains in violation. Staff recommends a Fine – Violation Order and Administrative Costs.

Mr. Roberts 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 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. Mr. Branin seconded the motion.

Roll was called:

Mr. Branin – Yes
Mr. Carruth – Yes
Mr. Roberts – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

OLD BUSINESS:

No old business to report.

NEW BUSINESS:

Mr. Mugford posed a question to Manager Grossman about the many recurring violations that are presented to the board. She explained that there was a backlog of recurring violations, which are now being brought before the board. She further stated when staff catches up, the number of recurring cases the board hears will eventually lessen. Both attorneys reminded the board that Fl. State Statute requires reasonable time be given for compliance. They also explained each time the property is written for the same violation, the owner/violator is being given less time to correct the infraction.

Mr. Mugford indicated he gets approached by citizens, who are under the impression that code enforcement staff works from Monday to Friday until 5 pm. Manager Grossman informed the board that staff is on duty seven days a week as early as 4:00 am and as late as 6:30 pm. She went on to explain the 4:00 am start time is to specifically address commercial vehicles and swale parking. Mr. Mugford expressed his thanks to code enforcement staff for the work that they do.

ANNOUNCEMENT OF NEXT MEETING:

The next meeting of the Code Enforcement Board will be held on Wednesday, August 3, 2016 at 10:00am.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:20 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.