

CODE ENFORCEMENT BOARD
Wednesday, February 1, 2017 at 10:00 a.m.
Intracoastal Room
Palm Coast City Hall
160 Lake Avenue, Palm Coast, Florida

BOARD MEMBERS PRESENT: Neil Copeland, Richard LaPadula, Tameka Maccherone, Robert Branin, Norman Mugford, Kimble Medley

BOARD MEMBERS EXCUSED: Kenneth Carruth

BOARD COUNSEL PRESENT: Mary Sneed

STAFF MEMBERS PRESENT: Code Enforcement Manager Grossman, Supervisor Mendez, Code Enforcement Officers Sagala, Festa, Shelley, Stafford, Romeo, Hadden, Risch, 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 January 4, 2017 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F. Withdrawn Cases: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# 5	CASE NO. 2016110562 - 5 Kalamazoo Trail
AI# 9	CASE NO. 2016081428 - 55 Courtney Place
AI# 12	CASE NO. 2016110480 - 32 Westfalls Lane
AI# 13	CASE NO. 2016110486 - 32 Westfalls Lane
AI# 18	CASE NO. 2016050769 - 223 Parkview Drive
AI# 20	CASE NO. 2016071229 - 62 Pine Crest Lane
AI# 26	CASE NO. 2016070469 - 54 Pinecrest Lane
AI# 27	CASE NO. 2016070473 - 54 Pinecrest Lane
AI# 28	CASE NO. 2016070432 - 20 Rainbow Lane
AI# 29	CASE NO. 2016100115 - 7 Rodger Court
AI# 30	CASE NO. 2016091313 - 50 Ryberry Drive
AI# 31	CASE NO. 2016091315 - 50 Ryberry Drive

AI# 34 **CASE NO. 2016110530 - 15 Fariston Place**
AI# 35 **CASE NO. 2016110531 - 15 Fariston Place**
AI# 36 **CASE NO. 2016110273 - 15 Fariston Place**
AI# 37 **CASE NO. 2016110532 - 15 Fariston Place**
AI# 40 **CASE NO. 2016080809 - 90 Florida Park Drive**
AI# 41 **CASE NO. 2016111330 - 90 Florida Park Drive**
AI# 44 **CASE NO. 2016091292 - 46 Frenora Lane**
AI# 45 **CASE NO. 2016091294 - 179 Frontier Drive**
AI# 50 **CASE NO. 2016101808 - 30 Secretary Trail**
AI# 51 **CASE NO. 2016101846 - 98 Secretary Trail**
AI# 53 **CASE NO. 2016090293 - 7 Severn Court**

G. AI# 4 **CASE NO. 2016110003 - 5 Cedarwood Court**
AI# 10 **CASE NO. 2016091383 - 13 Fernham Lane**
AI# 14 **CASE NO. 2016101226 - 55 Westlee Lane**
AI# 15 **CASE NO. 2016101766 - 66 Wheeling Lane**

1. AI# 6

CASE NO. 2016071015 REDUCTION LF

City of Palm Coast vs. Kil Allan & Elisabeth Berry

6 Katrina Place

(Palm Coast Code Section 44-34(c) Parking of Comm. Veh. In Residential District)

Code Enforcement Officer Fitzgerald testified that the owner of the property has requested a reduction. Allan Berry, Respondent, requested a reduction of fine.

Mr. Copeland moved to reduce the fine to \$500.00. Ms. Medley seconded the motion.

Roll was called:

Mr. LaPadula – Yes

Mr. Branin – Yes

Mr. Copeland - Yes

Mr. Mugford - Yes

Ms. Maccherone - Yes

Ms. Medley – Yes

Motion unanimously carried.

2. AI# 17

CASE NO. 2016090483 RECURRING (4) BR

City of Palm Coast vs. James L. Starkovich Trust

15 Parkview Drive

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

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Romeo testified the property is in compliance. Staff recommends a No

Fine Standing Order – Recurring Violation and Administrative Costs. F. Michael Starkovich, Respondent, presented his side.

Ms. Medley 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes**

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

Motion unanimously carried.

3. AI# 38

CASE NO. 2016111089 REPEAT (1) CSR

City of Palm Coast vs. Diane S. Byrnes, Life Estate

15 Farriston Place

(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 fine for the period of non-compliance and Administrative Costs. Diane Byrnes, Respondent, presented her side.

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 January 14, 2017; that a \$100.00 per day fine is imposed for the period of non-compliance from November 20, 2016 to January 13, 2017; totaling \$5,500.00. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50.

There was no second to the motion and the motion failed.

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 January 14, 2017; that a \$10.00 per day fine is imposed for the period of non-compliance from November 20, 2016 to January 13, 2017; totaling \$550.00. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Ms. Maccherone seconded the motion.

Roll was called:

Mr. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

4. AI# 57

CASE NO. 2016101679

JS

City of Palm Coast vs. Richard D. Belhumeur

17 Underwick Path

(Palm Coast Code Section 44-33(b) Swale Parking Between 1 & 6 A.M.)

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. Richard Belhumeur, 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 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

5. AI# 43

CASE NO. 2016071076

REDUCTION

CSR

City of Palm Coast vs. William J. & Barbara Ann Mulvey

197 Frankford Lane

(Palm Coast Code Section 44-34(c) Parking of Comm. Veh. In Residential District

Code Enforcement Officer Risch testified that the owner of the property is requesting a reduction in fine. Rachel Mulvey, requested a reduction of fine.

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

Roll was called:

Mr. LaPadula – Yes

Mr. Mugford – Yes

Mr. Branin – Yes
Mr. Copeland - Yes

Ms. Maccherone - Yes
Ms. Medley – Yes

Motion unanimously carried.

6. AI# 23

CASE NO. 2016091466 REPEAT BR
City of Palm Coast vs. Jesus Manuel & Amanda Pinzon
13 Porpoise Lane
(Palm Coast Code Section 15-108(d) Weeds/Overgrowth)

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. Amanda Pinzon, 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 September 30, 2016; that a \$50.00 per day fine is imposed for the period of non-compliance on September 29, 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

7. AI# 1

CASE NO. 2016110424 RECURRING (5) BS
City of Palm Coast vs. Yvette Quinlan
28 Botany Lane
(Palm Coast Code Section 44-34(d)(2) Parking of Boat & Trailer)

Code Enforcement Officer Shelley presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Shelley testified the property is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation and Administrative Costs. Scott Riveer, tenant, 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

8. AI# 11

CASE NO. 2016101077 RECURRING (2) SB

City of Palm Coast vs. Lorraine Melk Vyas

36 Edge Lane

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

Code Enforcement Supervisor Mendez presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Mendez testified the property is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation and Administrative Costs. Lorraine Melk Vyas, Respondent, presented her side.

Mr. Copeland 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

9. AI# 52

CASE NO. 2016091411 RECURRING (3) JS

City of Palm Coast vs. Maxny & Marie Genis

9 Sergeant Court

(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. Marie Genis, Respondent, presented her 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. Ms. Medley seconded the motion.

Roll was called:

**Mr. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes**

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

Motion unanimously carried.

10. AI# 2

CASE NO. 2016081484 RECURRING (2) RS

City of Palm Coast vs. Gerardo A. Aguilar

58 Post View Drive

(Land Development Code 16.173(c) Article 5 Exceeding Maximum Garage Sales)

Code Enforcement Officer Sagala presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Sagala 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 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes**

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

Motion unanimously carried.

11. AI# 3

CASE NO. 2016111142 RECURRING (5) RS

City of Palm Coast vs. Francisco E. & Rivera & Migda F. Rodriguez

34 Riviera Drive

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

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

Mr. Branin – Yes

Mr. Copeland - Yes

Mr. Mugford - Yes

Ms. Maccherone - Yes

Ms. Medley – Yes

Motion unanimously carried.

12. AI# 7

CASE NO. 2016110726 MH

City of Palm Coast vs. Gerald L. & Julie A. Ruling

4 Cimmaron Drive

(Palm Coast Code Section 15-1 [A] 105.1 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.

Ms. Maccherone moved to find in this case that Respondent is in violation of 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. Ms. Medley seconded the motion.

Roll was called:

Mr. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

13. AI# 8

CASE NO. 2016090563 RECURRING ((4) MH
City of Palm Coast vs. Steven A. Mastriacovo
12 Collingwood Lane
(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. 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

14. AI# 16

CASE NO. 2016110560 RECURRING (2) SB
City of Palm Coast vs. Robert Mkrtchyan
21 Wood Crest Lane
(Palm Coast Code Section 15-108(g) Fence Maintenance)

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

Ms. Maccherone moved to find in this case that Respondent is in violation of City Code as charged; that the Respondent correct the violation no later than thirty (30) 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

15. AI# 19

CASE NO. 2016071205

BR

City of Palm Coast vs. Levorose Trust

29 Patchogue Lane

(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. Copeland moved to find in this case that Respondent is in violation of 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 \$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. Mr. Branin seconded the motion.

Roll was called:

Mr. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

16. AI# 21

CASE NO. 2016070406

RECURRING (2) BR

City of Palm Coast vs. Margaret Franzen, Trustee

8 Pine Haven Drive

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

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. Copeland 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. Medley seconded the motion.

Roll was called:

**Mr. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes**

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

Motion unanimously carried.

17. AI# 22

CASE NO. 2016070405 RECURRING (3) BR

City of Palm Coast vs. Margaret Franzen, Trustee

8 Pine Haven Drive

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

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 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes**

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

Motion unanimously carried.

18. AI# 24

CASE NO. 2016090876 RECURRING BR

City of Palm Coast vs. Sandra Hardy

38 Port Echo Lane

(Palm Coast Code Section 41-17(a)(5) Bulk Trash)

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. Branin moved to find in this case that Respondent is in violation of 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 \$100.00 will be imposed for each and every day the violation continues past the aforesated date; that the Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order. The Respondent shall pay Administrative Costs to the City in the amount of \$69.00. Ms. Medley seconded the motion.

Roll was called:

Mr. LaPadula – Yes

Mr. Branin – Yes

Mr. Copeland - Yes

Mr. Mugford - Yes

Ms. Maccherone - Yes

Ms. Medley – Yes

Motion unanimously carried.

19. AI# 25

CASE NO. 2016110725 JF

City of Palm Coast vs. Real Estate Solutions Home Sellers LLC

23 Patchogue Lane

(Palm Coast Code Section 15-1 [A] 105.1 No Permit to Seal Up Window)

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 this case that Respondent is in violation of 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. Ms. Maccherone seconded the motion.

Roll was called:

Mr. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

20. AI# 32

CASE NO. 2016110050 REPEAT (1) JF
City of Palm Coast vs. Roland & Milan Baltazar, Trustees
1 Rylin Lane
(Palm Coast Code Section 44-34(d)(2) Parking of Boat & Trailer)

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. 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 November 2, 2016; that a \$50.00 per day fine is imposed for the period of non-compliance from October 29, 2016 to November 1, 2016; totaling \$200.00. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Ms. Medley seconded the motion.

Roll was called:

Mr. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

21. AI# 33

CASE NO. 2016090421 JF
City of Palm Coast vs. Roland & Milan Baltazar, Trustees
1 Rylin Lane
(Palm Coast Code Section 44-34(c) Parking of Comm. Veh. In Residential District)

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

Mr. Copeland moved to find in this case that Respondent was in violation of 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. Mr. Branin seconded the motion.

Roll was called:

Mr. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

22. AI# 39

CASE NO. 2016111163 RECURRING (3) CSR

City of Palm Coast vs. Adam P. & Jessie A. Whitley

22 Fifer 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 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. 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

23. AI# 42

CASE NO. 2016110800 RECURRING (3) CSR

City of Palm Coast vs. Thomas W. & Clara F. Baker

35 Franciscan 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 is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation and Administrative Costs.

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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes**

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

Motion unanimously carried.

24. AI# 46

CASE NO. 2016101372 RECURRING (3) JS

City of Palm Coast vs. Sergey Y. Cheban

33 Pony Lane (B)

(Palm Coast Code Section 44-34(c) Parking of Comm. Veh. In Residential District)

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 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes**

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

Motion unanimously carried.

25. AI# 47

CASE NO. 2016100137

JS

City of Palm Coast vs. Sergey Y. Cheban

33 Pony Lane (B)

(Palm Coast Code Section 44-33(b) Swale Parking Between 1 & 6 A.M.)

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. Copeland moved to find in this case that Respondent is in violation of 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 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. LaPadula – Yes

Mr. Branin – Yes

Mr. Copeland - Yes

Mr. Mugford - Yes

Ms. Maccherone - Yes

Ms. Medley – Yes

Motion unanimously carried.

26. AI# 48

CASE NO. 2016050732 MASSEY

JS

City of Palm Coast vs. John Clark

25 Seaman Trail East

(Palm Coast Code Section 17-39(a) Residential Rental Program)

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. 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 has not brought the property into compliance; that a \$25.00 per day fine is imposed for the period of non-compliance from November 15, 2016 to January 31, 2017; totaling \$2,175.00; 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. Medley seconded the motion.

Roll was called:

Mr. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

27. AI# 49

CASE NO. 2016090539

JS

City of Palm Coast vs. MarleneL. Gunzelman

28 Seaman Trail East

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

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.

Ms. Maccherone moved to find in this case that Respondent is in violation of City Code as charged; that the Respondent correct the violation no later than five (5) 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 \$25.00 will be imposed for each and every day the violation continues past the aforesated date; that the Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order. The Respondent shall pay Administrative Costs to the City in the amount of \$69.00. Ms. Medley seconded the motion.

Roll was called:

Mr. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

28. AI# 54

CASE NO. 2016110452 RECURRING (3) JS

City of Palm Coast vs. Frank & Kathy Panarella

10 Smith Trail

(Palm Coast Code Section 44-34(c) Parking of Comm. Veh. In Residential District)

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 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

29. AI# 55

CASE NO. 2016101848 RECURRING (3) JS

City of Palm Coast vs. Ramon M. & Patricia Giaccone

13 Smith Trail

(Palm Coast Code Section 44-33(b) Swale Parking Between 1 & 8 A.M.)

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 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes

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

Motion unanimously carried.

30. AI# 56

CASE NO. 2016101608 REPEAT (1) JS

City of Palm Coast vs. Patrick & Tonya Stephens Tai

26 Ullman Place

(Palm Coast Code Section 44-34(c) Parking of Comm. Veh. In Residential District)

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. 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 October 26, 2016; that a \$100.00 per day fine is imposed for the period of non-compliance on October 25, 2016. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Branin seconded the motion.

Roll was called:

**Mr. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes**

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

Motion unanimously carried.

31. AI# 58

CASE NO. 2016110259 RECURRING (3) JS
City of Palm Coast vs. Ramonica & Jimmie Flagler
346 Underwood 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.

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. Ms. Medley seconded the motion.

Roll was called:

**Mr. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland - Yes**

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

Motion unanimously carried.

32. AI# 59

CASE NO. 2016110641

JS

City of Palm Coast vs. John J. & Jean A. McMorrow

13 Upshire Path

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

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 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. Ms. Medley seconded the motion.

Roll was called:

Mr. LaPadula – Yes

Mr. Branin – Yes

Mr. Copeland - Yes

Mr. Mugford - Yes

Ms. Maccherone - Yes

Ms. Medley – Yes

Motion unanimously carried.

OLD BUSINESS:

None to report.

NEW BUSINESS:

None to report.

ANNOUNCEMENT OF NEXT MEETING:

The next meeting of the Code Enforcement Board will be held on Wednesday, March 8, 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.