

**CODE ENFORCEMENT BOARD**  
**Wednesday, May 3, 2017 at 10:00 a.m.**  
*Intracoastal Room*  
*Palm Coast City Hall*  
**160 Lake Avenue, Palm Coast, Florida**

**BOARD MEMBERS PRESENT:** Neil Copeland, Tameka Maccherone, Robert Branin, Norman Mugford, Kenneth Carruth, Kimble Medley

**BOARD MEMBERS ABSENT:** Richard LaPadula

**BOARD COUNSEL PRESENT:** Mary Sneed

**STAFF MEMBERS PRESENT:** Code Enforcement Manager Grossman, Supervisor Mendez, Code Enforcement Officers Stafford, Shelley, Risch, Romeo, Festa, Sagala, Hadden, MacDonald, Code Enforcement Clerk Wry, Rickie Lee, Chief Building Official

**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 April 5, 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**F. Withdrawn Cases:**

<b>AI# 1</b>	<b>CASE NO. 2017020320 - 9 Ferdinand Lane</b>
<b>AI# 5</b>	<b>CASE NO. 2017010489 - 78 Burroughs Drive</b>
<b>AI# 8</b>	<b>CASE NO. 2017010586 - 67 Reidsville Drive</b>
<b>AI# 10</b>	<b>CASE NO. 2016100203 - 10 Roxland Lane</b>
<b>AI# 11</b>	<b>CASE NO. 2016120280 - 7 Royal Tern Lane</b>
<b>AI# 14</b>	<b>CASE NO. 2017010714 - 7 Clement Court</b>
<b>AI# 20</b>	<b>CASE NO. 2017020193 - 39 Beechwood Lane</b>
<b>AI# 22</b>	<b>CASE NO. 2017020874 - 3 Boston Lane</b>
<b>AI# 24</b>	<b>CASE NO. 2017021021 - 43 Bressler Lane</b>
<b>AI# 25</b>	<b>CASE NO. 2017010742 - 9 Westfield Lane</b>

**G. Continued Cases:**

**AI# 39      CASE NO. 2017010284 - 39 Point of Woods Drive**

**1. AI# 20**

**CASE NO. 2017020193      RECURRING      BS**

*City of Palm Coast vs. John E. & Marilyn Ann Parsell*

**39 Beechwood Lane**

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

Code Enforcement Officer Shelley presented case history, paperwork and photos into evidence. The evidence was shown to the property owner. Officer Shelley testified the property is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation and Administrative Costs. John Parsell, 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. Carruth seconded the motion.**

**Roll was called:**

**Mr. Carruth – Yes**

**Mr. Branin – Yes**

**Mr. Copeland – Yes**

**Mr. Mugford - Yes**

**Ms. Maccherone - Yes**

**Ms. Medley – Yes**

**Motion unanimously carried.**

**2. AI# 45**

**CASE NO. 2015090191      REDUCTION      BR**

*City of Palm Coast vs. Gerardo A. Aguilar*

**58 Post View Drive**

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

Code Enforcement Officer Romeo presented case history. Gerardo Aguilar, Respondent, presented his request for reduction of the \$15,000.00 fine.

**Mr. Copeland moved to decrease the fine to \$1,500.00. Ms. Maccherone seconded the motion.**

**Roll was called:**

**Mr. Carruth – Yes**

**Mr. Mugford - Yes**

Mr. Branin – Yes  
Mr. Copeland – Yes

Ms. Maccherone - Yes  
Ms. Medley – Yes

**Motion unanimously carried.**

**3. AI# 21**

**CASE NO. 2016120079**

BS

*City of Palm Coast vs. Joann Smerdon*

**44 Beechwood Lane**

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

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 and Administrative Costs. Joann Smerdon, Respondent, presented her side.

**Mr. Branin 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. Carruth seconded the motion.**

**Roll was called:**

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

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

**Motion unanimously carried.**

**4. AI# 49**

**CASE NO. 2017010657**

BR

*City of Palm Coast vs. Aleksandr Polonskiy & Nataliya Polonskaya*

**51 Putter Drive**

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

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Romeo testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs. Nataliya Polonskaya, Respondent, presented her side.

**Ms. Maccherone 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. Ms. Medley seconded the motion.**

**Roll was called:**

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

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

**Motion unanimously carried.**

**5. AI# 33**

**CASE NO. 2017010724**

JS

*City of Palm Coast vs. James Widmar, Jr.*

**2 Sedley Place**

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

Code Enforcement Officer Stafford stated the City would like to dismiss this case.

**Mr. Copeland moved to dismiss this case. Ms. Medley seconded the motion.**

**Roll was called:**

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

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

**Motion unanimously carried.**

**6. AI# 43**

**CASE NO. 2017010654      RECURRING (2) BR**

*City of Palm Coast vs. A. J. Crew LLC*

**6 Portland Place**

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

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The evidence was shown to the property owner. Officer Romeo testified the property is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation and Administrative Costs. Marty Sarames, 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. Carruth seconded the motion.**

**Roll was called:**

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

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

**Motion unanimously carried.**

**7. AI# 28**

**CASE NO. 2017010718**

JS

*City of Palm Coast vs. Russell Kiraly, Trustee*

**4 Ponderosa Lane**

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

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. Russell Kiraly, Respondent, presented his side.

**Ms. Maccherone 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. Carruth – Yes**  
**Mr. Branin – Yes**  
**Mr. Copeland – Yes**

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

**Motion unanimously carried.**

**8. AI# 27**

**CASE NO. 2017020313**

**REPEAT (2)**

JS

*City of Palm Coast vs. Kim Allan & Elisabeth Berry*

**6 Katrina Place**

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

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 fine for the period of non-compliance and Administrative Costs. Kim Allan, Respondent, presented his 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 February 6, 2017; that a \$150.00 per day fine is imposed for the period of non-compliance on February 5, 2017; totaling \$150.00. The Respondent shall pay Administrative Costs in the amount of \$70.00. Ms. Maccherone seconded the motion.**

**Roll was called:**

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

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

**Motion unanimously carried.**

**9. AI# 44**

**CASE NO. 2017020085      RECURRING (2) BR**

*City of Palm Coast vs. Patrick I. & Suehellen D. McDougal*

**2 Post Oak Lane**

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

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The evidence was shown to the property owner. Officer Romeo testified the property is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation and Administrative Costs. Suehellen McDougal, Respondent, 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. Mr. Carruth seconded the motion.**

**Roll was called:**

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

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

**Motion unanimously carried.**

**10. AI# 40**

**CASE NO. 2017020088      RECURRING (2) BR**

*City of Palm Coast vs. Semyon & Victoria Raygorodsky*

***148 Point Pleasant Drive***

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

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The evidence was shown to the property owner. Officer Romeo testified the property is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation and Administrative Costs. Michael Quinones, tenant, presented his 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. Carruth – Yes  
Mr. Branin – Yes  
Mr. Copeland – Yes**

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

**Motion unanimously carried.**

**11. AI# 23**

**CASE NO. 2017020660      **RECURRING** (4) BS**

***City of Palm Coast vs. Philip J. & Christina Sapienza***

***37 Braddock Lane***

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

Code Enforcement Officer Shelley presented case history, paperwork and photos into evidence. The evidence was shown to the property owner. Officer Shelley testified the property is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation and Administrative Costs. Philip Sapienza, Respondent, presented his 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. Carruth – Yes**

**Mr. Mugford - Yes**

**Mr. Branin – Yes**  
**Mr. Copeland – Yes**

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

**Motion unanimously carried.**

**12. AI# 16**

**CASE NO. 2017020583** MH  
*City of Palm Coast vs. John Barrett*  
**44 Cooper Lane**  
*(Palm Coast Code Section 14-114(a) Rubbish/Trash/Garbage)*

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

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

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

**Motion unanimously carried.**

**13. AI# 17**

**CASE NO. 2017020680** MH  
*City of Palm Coast vs. John Barrett*  
**44 Cooper Lane**  
*(Palm Coast Code Section 15-1, 105.1 No Permit for Fence)*

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

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

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

**Motion unanimously carried.**

**14. AI# 18**

**CASE NO. 2016010840      REDUCTION      MH**

*City of Palm Coast vs. Johns F. Sedlesky, Jr. & Nicole F. Cassaro*

**79 Florida Park Drive**

*(Palm Coast Code Section 15-1, 105.1 No Permit for Fence*

Code Enforcement Officer Hadden presented case history. Paul Cassaro, husband of Respondent, presented his request for reduction of the fine. The fine is currently \$8,550.00.

**Mr. Copeland moved to reduce the fine to \$100.00. The Respondent shall pay Administrative Costs to the City in the amount of \$171.00. Ms. Medley seconded the motion.**

**Roll was called:**

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

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

**Motion unanimously carried.**

**15. AI# 50**

**CASE NO. 2016101765      LM**

*City of Palm Coast vs. Lorraine Melk Vyas*

**36 Edge Lane**

*(Palm Coast Code Section 35-76(d)(1) Nuisance-Livability Conditions-Smoke)*

Code Enforcement Supervisor Mendez presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Supervisor Mendez testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs. Mr. Lisi and Mr. Hench, neighbors to the Respondent, gave testimony. Lorraine Melk Vyas, Respondent, presented her side. A lengthy discussion ensued regarding safety and livability issues at this residence.

**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. Ms. Maccherone seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

**16. AI# 32**

**CASE NO. 2017020962      RECURRING** (4) JS

*City of Palm Coast vs. Shandra P. Maddox*

**14 Secretary Trail**

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

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. Shandra Maddox, Respondent, presented her side.

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

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

Motion unanimously carried.

**17. AI# 2**

**CASE NO. 2017010527      RECURRING** (3) CSR

*City of Palm Coast vs. Jeffrey C. & Lajuana Hill McKay*

**2 Firtree Lane**

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

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.

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

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

**Motion unanimously carried.**

**18. AI# 3**

**CASE NO. 2017030025**

BMD

*City of Palm Coast vs. Maria & Leith Nix*

***7 Big Dipper Lane***

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

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.

**Ms. Medley 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. Carruth seconded the motion.**

**Roll was called:**

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

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

**Motion unanimously carried.**

**19. AI# 4**

**CASE NO. 2017020658**

BMD

*City of Palm Coast vs. Gary J. & Victoria B. Kindell*

**3 Buffalo Bill Drive**

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

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.

**Ms. Medley 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. Carruth seconded the motion.**

**Roll was called:**

**Mr. Carruth – Yes**

**Mr. Branin – Yes**

**Mr. Copeland – Yes**

**Mr. Mugford - Yes**

**Ms. Maccherone - Yes**

**Ms. Medley - Yes**

**Motion unanimously carried.**

**20. AI# 6**

**CASE NO. 2017010856**

BMD

*City of Palm Coast vs. Brendon J. Cook*

**191 London Drive**

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

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.

**Ms. Medley 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. Carruth seconded the motion.**

**Roll was called:**

**Mr. Carruth – Yes**

**Mr. Branin – Yes**

**Mr. Mugford - Yes**

**Ms. Maccherone - Yes**

**Mr. Copeland – Yes**

**Ms. Medley - Yes**

**Motion unanimously carried.**

**21. AI# 7**

**CASE NO. 2017020563**

JF

*City of Palm Coast vs. Nancy Rebecca Divirgilio*

**18 Radford Lane**

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

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.

**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 three (3) days after this Order is entered in writing; that, in the event the Respondent does not comply with the Order, a fine in the amount of \$50.00 will be imposed for each and every day the violation continues past the 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. Medley seconded the motion.**

**Roll was called:**

**Mr. Carruth – Yes**

**Mr. Branin – Yes**

**Mr. Copeland – Yes**

**Mr. Mugford - Yes**

**Ms. Maccherone - Yes**

**Ms. Medley – Yes**

**Motion unanimously carried.**

**22. AI# 9**

**CASE NO. 2017011174**

JF

*City of Palm Coast vs. Vilaine Senat*

**13 Richmond 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.

**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 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. The Respondent is further ordered to contact the Code Enforcement Officer to**

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

Roll was called:

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

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

Motion unanimously carried.

**23. AI# 12**

**CASE NO. 2017020206 REPEAT (2) JF**

*City of Palm Coast vs. Roland & Milan Baltazar, Trustees*

***1 Rylin Lane***

*(Palm Coast Code Section 44-34(d)(2) Parking 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 February 6, 2017; that a \$150.00 per day fine is imposed for the period of non-compliance from February 2, 2017 to February 5, 2017; totaling \$600.00. The Respondent shall pay Administrative Costs to the City in the amount of \$70.50. Ms. Maccherone seconded the motion.**

Roll was called:

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

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

Motion unanimously carried.

**24. AI# 13**

**CASE NO. 2016110726 MASSEY MH**

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

***4 Cimmaron Drive***

*(Palm Coast Code Section 15-1, 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 for the period of non-compliance and Administrative Costs.

Ms. Medley moved to find in this case that Respondent was in violation of 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 February 13, 2017 to May 2, 2017; totaling \$3,950.00; 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. Branin seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

Ms. Maccherone left the meeting.

**25. AI# 15**

**CASE NO. 2016081512 MASSEY** MH  
*City of Palm Coast vs. Catalin & Ancuta Gavrilla*  
**61 Comanche Court**  
*(Palm Coast Code Section 15-1, 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 for the period of non-compliance and Administrative Costs.

Mr. Branin moved to find in this case that Respondent was in violation of 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 January 23, 2017 to May 2, 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. Ms. Medley seconded the motion.

Roll was called:

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

Mr. Mugford - Yes  
Ms. Medley - Yes

**Motion unanimously carried.**

**26. AI# 26**

**CASE NO. 2017020460**

JS

*City of Palm Coast vs. Merari & Jose Velez*

**60 Cooper Lane**

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

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. 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 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. The Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order. The Respondent shall pay Administrative Costs to the City in the amount of \$69.00. Ms. Medley seconded the motion.**

**Roll was called:**

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

Mr. Mugford - Yes  
Ms. Medley - Yes

**Motion unanimously carried.**

**27. AI# 30**

**CASE NO. 2017020461**

**REPEAT (1)**

JS

*City of Palm Coast vs. Sokhom & Thida Kim Neou*

**9 Russo Drive**

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

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.

**Ms. Medley 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 April 14, 2017; that a**



**\$100.00 per day fine is imposed for the period of non-compliance from February 9, 2017 to April 13, 2017; totaling \$600.00. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Carruth seconded the motion.**

**Roll was called:**

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

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

**Motion unanimously carried.**

**28. AI# 31**

**CASE NO. 2017011012**

JS

*City of Palm Coast vs. Jose Santos Silvestre & Maria Da Conceicao Ribeiro*

**44 Ryapple Lane**

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

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 and Administrative Costs.

**Mr. Branin 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. Carruth seconded the motion.**

**Roll was called:**

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

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

**Motion unanimously carried.**

**29. AI# 34**

**CASE NO. 2017020191      RECURRING (5) JS**

*City of Palm Coast vs. John M. & lisa A. Mock*

**12 Smoke Tree Place**

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

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. Medley 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 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. Branin – Yes  
Mr. Copeland – Yes**

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

**Motion unanimously carried.**

**30. AI# 35**

**CASE NO. 2016111307** JS  
*City of Palm Coast vs. Toni Spencer*  
**8 Squirrel Place**  
*(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.

**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 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 per day will be imposed for each and every day the violation continues past the aforestated 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. Medley seconded the motion.**

**Roll was called:**

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

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

**Motion unanimously carried.**

**31. AI# 37**

**CASE NO. 2016120443** **RECURRING** (3) BR  
*City of Palm Coast vs. Ennio & Rose Marie Florio*

***12 Plain View Drive***

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

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

**Motion unanimously carried.**

**32. AI# 38**

**CASE NO. 2017010653      RECURRING      (2) BR**

***City of Palm Coast vs. Catherine Mc Erlane***

***1 Plumtree Place (B)***

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

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 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. Branin – Yes  
Mr. Copeland – Yes**

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

**Motion unanimously carried.**

**33. AI# 41**

**CASE NO. 2016101474**

BR

*City of Palm Coast vs. Ronald P. & Dolores C. Adams*

**37 Port Echo 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.

**Ms. Medley 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 per day 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. Mr. Branin seconded the motion.**

**Roll was called:**

**Mr. Carruth – Yes**

**Mr. Branin – Yes**

**Mr. Copeland – Yes**

**Mr. Mugford - Yes**

**Ms. Medley - Yes**

**Motion unanimously carried.**

**34. AI# 42**

**CASE NO. 2017010919**

**REPEAT (1)**

BR

*City of Palm Coast vs. Ronald P. & Dolores C. Adams*

**37 Port Echo Lane**

*(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 fine for the period of non-compliance and Administrative Costs.

**Ms. Medley 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 21, 2017; that a \$100.00 per day fine is imposed for the period of non-compliance on from January 19, 2017 to January 20, 2017; totaling \$200.00. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Carruth seconded the motion.**

**Roll was called:**

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

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

**Motion unanimously carried.**

**OLD BUSINESS:**

City Attorney Reischmann noted that at the last meeting conversation was raised regarding Chapter 44 and parking in the swale issues.

Mr. Copeland reiterated that what he was requesting was a meeting, possibly a workshop, with the Code Enforcement Board, the City staff, City Attorney, and City Manager to discuss alternatives regarding the way these particular codes and possibly others are enforced.

A lengthy discussion pursued to include information regarding the use of citations versus code violations, who would be enforcing the violation and the possible use of a Special Magistrate.

After this discussion, the Board members were satisfied and felt the enforcement method currently being utilized is the most effective method for getting compliance.

**ANNOUNCEMENT OF NEXT MEETING:**

The next meeting of the Code Enforcement Board will be held on Wednesday, June 7, 2017 at 10:00am.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 1:30 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.*