

CODE ENFORCEMENT BOARD
Wednesday, July 5, 2017 at 10:00 a.m.
Intracoastal Room
Palm Coast City Hall
160 Lake Avenue, Palm Coast, Florida

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

BOARD COUNSEL PRESENT: Mary Snead

STAFF MEMBERS PRESENT: Code Enforcement Manager Grossman, Supervisor Mendez, Code Enforcement Officers Stafford, Shelley, Risch, Romeo, Festa, Sagala, Burton, Hadden, Code Enforcement Clerk Wry, Building Official Lee, City Counsel 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 seven (7) members present.
- C. Approval of the June 7, 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- F. Withdrawn Cases:**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# 1 | CASE NO. 2017030086 - 5 Lincoln Lane |
| AI# 2 | CASE NO. 2017021099 - Left of 29 Penn Manor Lane |
| AI# 3 | CASE NO. 2017021098 - 29 Penn Manor Lane |
| AI# 6 | CASE NO. 2017040932 - 3 Fifer Lane |
| AI# 9 | CASE NO. 2017041039 - 64 Randolph Drive |
| AI# 15 | CASE NO. 2017040739 - 12 Billing Place |
| AI# 16 | CASE NO. 2017041023 - 67 Club House Drive |
| AI# 17 | CASE NO. 2016120762 - 10 Lamoyne Lane |
| AI# 19 | CASE NO. 2017031358 - 32 Emerson Drive |
| AI# 20 | CASE NO. 2017041033 - 5 Waverly Place |
| AI# 21 | CASE NO. 2017041012 - 48 Wellhaven Lane (A) |
| AI# 22 | CASE NO. 2017040799 - 23 Westridge Lane |
| AI# 23 | CASE NO. 2017010193 - 23 Westridge Lane |
| AI# 24 | CASE NO. 2017040226 - 70 Whippoorwill Drive |

AI# 26 CASE NO. 2017041004 - 16 Kathleen Trail
AI# 32 CASE NO. 2017040730 - 15 Seward Trail East
AI# 37 CASE NO. 2017030066 - 26 Panei Lane
AI# 38 CASE NO. 2017030067 - 26 Panei Lane

1. AI# 18

CASE NO. 2017030190

MH

City of Palm Coast vs. Kent Lane & Laurra Maddock

1 Louvet Lane (A)

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

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

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. Carruth seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

2. AI# 30

CASE NO. 2017030747

JS

City of Palm Coast vs. Louiman & Christianiste Thomas

4 Senseney Path

(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 No Fine Standing Order and Administrative Costs. Louiman Thomas, Respondent, presented his side.

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. Medley seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

3. AI# 31

CASE NO. 2017030746

JS

City of Palm Coast vs. Louiman & Christianiste Thomas

4 Senseney Path

(Palm Coast Code Section 44-34(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. Louiman Thomas, 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. Ms. Medley seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

4. AI# 47

CASE NO. 2017020676

BR

City of Palm Coast vs. Rebecca Bjelajac

92 Princess Ruth Lane

(Palm Coast Code Section 15-1-FBC105.1 No Permit for Fence Extension & Structure

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Romeo testified the property remains in violation. Staff recommends a Fine – Violation Order and Administrative Costs. Rebecca Bjelajac, Respondent, presented her side. Building Official Rickie Lee provided testimony on behalf of the City in regard to the Florida Building Code.

Mr. Copeland moved to find in this case that Respondent is in violation of City Code as charged; that 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 Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order. The Respondent shall pay Administrative Costs to the City in the amount of \$69.00. Mr. LaPadula seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

5. AI# 33

CASE NO. 2017040919 RECURRING (3) JS

City of Palm Coast vs. John Colomara

10 Slatington Place (B)

(Palm Coast Code Section 44-34(i) Parking in the Median)

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. John Colomara, Respondent, presented his 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 was corrected; that the violation recurred; that any violation of the same Code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State Law for which a fine of up to \$5,000.00 per day may be imposed. The Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Ms. Maccherone seconded the motion.

Roll was called:

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

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

Mr. Copeland – Yes

Motion unanimously carried.

6. AI# 48

CASE NO. 2017010508 MASSEY LM

*City of Palm Coast vs. The Group Golf of Palm Coast LLC
398 Lakeview Blvd.*

(Palm Coast Code Section 15-1-111-4 No Permit for Structures)

Code Enforcement Supervisor Mendez presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Supervisor Mendez testified the property remains in violation. Staff recommends a fine for the period of non-compliance and Administrative Costs. Michael Yokan, Attorney for Respondent, and partial owner of property, presented his side.

Mr. Copeland moved to find in this case that Respondent was in violation of City Code as charged; that 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 Respondent has not brought the property into compliance from April 27, 2017 to July 4, 2017; totaling \$17,250.00. A continuing fine of \$250.00 per day will be suspended for ten (10) days to allow owner to obtain permit for demolition. If, at the end of the ten (10) day period, no permit is obtained, a fine of \$250.00 will begin to accrue and continue to accrue 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. Branin seconded the motion.

Roll was called:

Mr. Carruth – No
Mr. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland – Yes

Mr. Mugford - Yes
Ms. Maccherone - No
Ms. Medley - No

Motion carried 4-3.

7. AI# 39

CASE NO. 2017010106 BR

*City of Palm Coast vs. Daniel J. Rosati
142 Parkview Drive*

(Palm Coast Code Section 15-108(g) Fence Maintenance)

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Romeo testified the property remains in violation. Staff recommends a Fine – Violation Order and Administrative Costs. Dana Proto, property manager, presented her side.

Mr. Copeland moved to find in this case that Respondent is in violation of City Code as charged; that 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 aforestated date; that Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order. The Respondent shall pay Administrative Costs to the City in the amount of \$69.00. Mr. LaPadula seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

8. AI# 8

CASE NO. 2017020563 MASSEY (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 evidence was shown to the Respondent. Officer Festa testified the property remains in violation. Staff recommends a fine for the period of non-compliance and Administrative Costs. Nancy Divirgilio, Respondent, presented her side.

Mr. Copeland moved to find in this case that Respondent was in violation of City Code as charged; that 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 Respondent has not brought the property into compliance; that a \$50.00 per day fine is imposed for the period of non-compliance from May 16, 2017 to July 4, 2017; totaling \$2,450.00 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. LaPadula seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

9. AI# 46

CASE NO. 2017030978 RECURRING (2) BR

City of Palm Coast vs. Sandra Hardy

38 Port Echo Lane

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

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

Mr. LaPadula moved to find in this case that Respondent is in violation of City Code as charged; that 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 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland – Yes**

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

Motion unanimously carried.

10. AI# 44

CASE NO. 2016080676 REDUCTION BR

City of Palm Coast vs. Igor & Yevgeniya Chugunov

7 Pointer Place

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

Code Enforcement Officer Romeo presented case history and paperwork into evidence. Officer Romeo stated the Respondent was present to request a reduction in fine. Jacqueline Iacovelli, property manager for Respondent, presented her side and requested for the fine to be reduced to \$350.00.

Mr. Copeland moved that the fine be reduced in this case from \$1,400.00 to \$350.00, and that Respondent has thirty (30) days to pay the reduced amount. If not paid by that date, the fine shall revert to the amount due and all requested relief shall be deemed denied. Ms. Maccherone seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

11. AI# 29

CASE NO. 2017030472

JS

City of Palm Coast vs. Joseph A. & Catherine L. Vitello

4 Seaton Valley Path

(Palm Coast Code Section 44-34(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. Joseph Vitello, Respondent, presented his 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. Ms. Medley seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

12. AI# 4

CASE NO. 2017040927

RECURRING

RS

City of Palm Coast vs. Jorge & Cecilia Teizeira

6 Blakefield 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 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. Ms. Medley seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

13. AI# 5

CASE NO. 2017050336 REPEAT (1) RS

City of Palm Coast vs. Lewis P. & Marilyn M. Parker

13 Blakefield Drive

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

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 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 Respondent brought the property into compliance on May 8, 2017; that a \$100.00 per day fine is imposed for the period of non-compliance on May 7, 2017; totaling \$100.00. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. LaPadula seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

14. AI# 7

CASE NO. 2017040405 REPEAT (2) CSR

City of Palm Coast vs. Frances Souza

17 Fort Caroline Lane

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

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

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 Respondent brought the property into compliance on April 11, 2017; that a \$100.00 per day fine is imposed for the period of non-compliance on April 10, 2017; totaling \$100.00. The Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Ms. Medley seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

15. AI# 10

CASE NO. 2017040541 RECURRING JF

City of Palm Coast vs. Oleg Tabachnik & Diana Bruk

7 Ryarbor Drive (A)

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

Code Enforcement Officer Festa presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Festa testified the property is in compliance. Staff recommends a 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 was corrected; that the violation recurred; that any violation of the same Code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State Law for which a fine of up to \$5,000.00 per day may be imposed. The Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Carruth seconded the motion.

Roll was called:

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

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

Mr. Copeland – Yes

Motion unanimously carried.

16. AI# 11

CASE NO. 2017031019

BS

City of Palm Coast vs. Angels & Scott Lapete

140 Beechwood Lane

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

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

Mr. Copeland moved to find in this case that Respondent is in violation of City Code as charged; that Respondent correct the violation no later than two (2) 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. Mr. LaPadula seconded the motion.

Roll was called:

Mr. Carruth – Yes

Mr. LaPadula – Yes

Mr. Branin – Yes

Mr. Copeland – Yes

Mr. Mugford - Yes

Ms. Maccherone - Yes

Ms. Medley - Yes

Motion unanimously carried.

17. AI# 12

CASE NO. 2017040215 RECURRING (4) BS

City of Palm Coast vs. Christina Rose Fedricks

30 Brice Lane

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

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

Ms. Maccherone moved to find in this case that Respondent is in violation of City Code as charged; that Respondent correct the violation no later than two (2) 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland – Yes

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

Motion unanimously carried.

18. AI# 13

CASE NO. 2017040981 BS
City of Palm Coast vs. Richard D. & Ingrid L. Legall
157 Brittany Lane
(Palm Coast Code Section 35-76(d)(1) Nuisance-Accumulations)

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

Ms. Branin moved to find in this case that Respondent is in violation of City Code as charged; that Respondent correct the violation no later than two (2) 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland – Yes

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

Motion unanimously carried.

19. AI# 14

CASE NO. 2017040755 MH
City of Palm Coast vs. Tracy L. Brown
9 Billing Place
(Palm Coast Code Section 44-34(c) Parking of a Commercial Veh. In Residential Dist.)

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

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. Ms. Medley seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

20. AI# 25

CASE NO. 2016120702 MASSEY SB
City of Palm Coast vs. James H. & Gertrude G. Banks
68 Whispering Pine Drive
(Palm Coast Code Section 35-76 Nuisance-Tree Debris)

Code Enforcement Officer Burton presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Burton testified the property remains in violation. Staff recommends a fine 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 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 Respondent has not brought the property into compliance; that a \$50.00 per day fine is imposed for the period of non-compliance from April 24, 2017 to July 4, 2017; totaling \$3,600.00; and that a fine of \$50.00 per day fine 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. LaPadula – Yes
Mr. Branin – Yes**

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

Mr. Copeland – Yes

Motion unanimously carried.

21. AI# 27

CASE NO. 2017040260

JS

City of Palm Coast vs. Carlton B. Bennett

54 Pheasant Drive

(Palm Coast Code Section 44-34(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.

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. Ms. Maccherone seconded the motion.

Roll was called:

Mr. Carruth – Yes

Mr. LaPadula – Yes

Mr. Branin – Yes

Mr. Copeland – Yes

Mr. Mugford - Yes

Ms. Maccherone - Yes

Ms. Medley - Yes

Motion unanimously carried.

22. AI# 28

CASE NO. 2017011302

JS

City of Palm Coast vs. Jeremy Rios & Cheryl Torres

28 Russman Lane

(Palm Coast Code Section 44-34(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. LaPadula 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland – Yes

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

Motion unanimously carried.

23. AI# 34

CASE NO. 2017040633 REPEAT (2) JS

City of Palm Coast vs. Toni Spencer

8 Squirrel Place

(Palm Coast Code Section 44-34(c) Parking of a Trailer in a 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. 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 Respondent brought the property into compliance on June 12, 2017; that a \$150.00 per day fine is imposed for the period of non-compliance from April 12, 2017 to June 11, 2017; totaling \$9,150.00. The Respondent shall pay Administrative Costs to the City in the amount of \$70.00. Ms. Medley seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

24. AI# 35

CASE NO. 2017040634 REPEAT JS

City of Palm Coast vs. Toni Spencer

8 Squirrel Place

(Palm Coast Code Section 44-34(i) Parking in the Median)

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. LaPadula moved to find in this case that Respondent was in repeat violation of City Code as charged based on the Board's prior Order entered against the same Respondent for the same violation; that Respondent brought the property into compliance on April 13, 2017; that a \$100.00 per day fine is imposed for the period of non-compliance on April 12, 2017; totaling \$100.00. 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland – Yes

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

Motion unanimously carried.

25. AI# 40

CASE NO. 2017030914 REPEAT (1) BR
City of Palm Coast vs. Richard H. & Christina Taylor
294 Parkview 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 fine for the period of non-compliance and Administrative Costs.

Mr. LaPadula moved to find in this case that Respondent was in repeat violation of City Code as charged based on the Board's prior Order entered against the same Respondent for the same violation; that Respondent brought the property into compliance on March 22, 2017; that a \$100.00 per day fine is imposed for the period of non-compliance on March 21, 2017; totaling \$100.00. 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland – Yes

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

Motion unanimously carried.

26. AI# 41

CASE NO. 2017010577 RECURRING BR

City of Palm Coast vs. Melony J. & David M. Paradis
149 Persimmon Drive
(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. 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; that Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order. The Respondent shall pay Administrative Costs to the City in the amount of \$69.00. Mr. LaPadula seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

27. AI# 42

CASE NO. 2017030915 RECURRING (1) BR

City of Palm Coast vs. Igor & Lidiya Bondar

60 Plain View Drive(A)

(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. Ms. Medley seconded the motion.

Roll was called:

Mr. Carruth – Yes

Mr. Mugford - Yes

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

Ms. Maccherone - Yes
Ms. Medley - Yes

Motion unanimously carried.

28. AI# 45

CASE NO. 2017030879 RECURRING (1) BR
City of Palm Coast vs. Ronald P. & Dolores C. Adams
37 Port Echo Lane
(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. 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. LaPadula – Yes
Mr. Branin – Yes
Mr. Copeland – Yes

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

Motion unanimously carried.

29. AI# 49

CASE NO. 2017010511 MASSEY LM
City of Palm Coast vs. Mandela Holdings LLC & The Lending House Inc. c/o Stoll & Associates
1 Palm Harbor Pkwy
Palm Coast Code Section 15-1-111-4 No Permit for Structures)

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 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 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 Respondent has

not brought the property into compliance; that a \$250.00 per day fine is imposed for the period of non-compliance from April 24, 2017 to July 4, 2017; totaling \$18,000.00; and that a fine of \$250.00 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. Branin seconded the motion.

Roll was called:

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

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

Motion unanimously carried.

Code Enforcement Manager Grossman advised this property will be presented to the Code Enforcement Board in 90 days for a request to proceed with foreclosure.

OLD BUSINESS:

None to report.

NEW BUSINESS

Mr. Mugford requested Manager Grossman provide monthly figures for Code Enforcement violations as he feels it will be helpful for the public to realize the extent violations are addressed. He stated he receives positive feedback from the public. Manager Grossman stated she would bring statistics at the next meeting and monthly. She stated she has been interviewed on the weekly radio show with Mayor Holland and has given that information at that time. She will look into having the information put on our website and possibly the Observer.

ANNOUNCEMENT OF NEXT MEETING:

The next meeting of the Code Enforcement Board will be held on Wednesday, August 2, 2017 at 10:00am.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:57 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.