

CODE ENFORCEMENT BOARD
Wednesday, October 3, 2018 at 10:00 a.m.
Intracoastal Room
Palm Coast City Hall
160 Lake Avenue, Palm Coast, Florida

BOARD MEMBERS PRESENT: Jon Netts, Norman Mugford, Dean Roberts, Marc Bellapianta, Andrew Dodzik, Kenneth Carruth, Larry Pulos

BOARD COUNSEL PRESENT: Mary Sneed

STAFF MEMBERS PRESENT: Code Enforcement Manager Grossman, Code Enforcement Supervisor Mendez, Code Enforcement Officers Hadden, Romeo, Festa, Shelley, Risch, MacDonald, Stafford, Nunez, Code Enforcement Clerk Wry, 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 September 5, 2018 Meeting Minutes**
The Minutes were unanimously approved.
- D. Disclosure of Ex-Parte Communications.**
None to report.
- E. Swearing in of Respondents and staff: The respondents and staff who were present were sworn in by Mary Sneed, Counsel for the Code Board.**
- F. Withdrawn Cases:**
- | | |
|---------------|---|
| AI# 1 | CASE NO. 2018040016 - 17 Wasserman Drive |
| AI# 5 | CASE NO. 2018071313 - 56 Emerson Drive |
| AI# 6 | CASE NO. 2018070840 - 18 Emmons Lane |
| AI# 7 | CASE NO. 2018070917 - 118 Eric Drive |
| AI# 8 | CASE NO. 2018051156 - 20 Lamour Lane |
| AI# 13 | CASE NO. 2017120285 - 35 Cold Spring Court |
| AI# 16 | CASE NO. 2018061279 - 23 Rymen Lane |
| AI# 17 | CASE NO. 2018050780 - 44 Sea Trail |
| AI# 19 | CASE NO. 2018040997 - 16 Classic Court South |
| AI# 22 | CASE NO. 2018050267 - 15 Senseney Path |
| AI# 29 | CASE NO. 2018041428 - 76 Parkway Drive |
| AI# 30 | CASE NO. 2018021270 - 58 Peppercorn Lane |
| AI# 31 | CASE NO. 2018050725 - 40 Pitt Lane |
| AI# 33 | CASE NO. 2018050832 - 52 Sea Trail |
| AI# 39 | CASE NO. 2018060149 - 34 Roxton Lane |
| AI# 41 | CASE NO. 2018051677 - 47 Ryeclyffe Drive |
| AI# 43 | CASE NO. 2018061178 - 10 Charles Court |
| AI# 44 | CASE NO. 2018050702 - 35 Clarendon Court North |
| AI# 49 | CASE NO. 2018070337 - 71 Fort Caroline Lane |

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|---------------|--|
| AI# 51 | CASE NO. 2018061136 - 110 Wellington Drive |
| AI# 53 | CASE NO. 2018060170 - 101 Wellwood Lane (A) |
| AI# 54 | CASE NO. 2018060174 - 101 Wellwood Lane (A) |
| AI# 61 | CASE NO. 2018051727 - 32 Beaverdam Lane |
| AI# 62 | CASE NO. 2018030941 - 32 Beaverdam Lane |
| AI# 63 | CASE NO. 2018061445 - 32 Beaverdam Lane |
| AI# 64 | CASE NO. 2018060850 - 30 Boulder Rock Drive |
| AI# 68 | CASE NO. 2018061325 - 11 Braddock Lane (A) |
| AI# 70 | CASE NO. 2018070323 - 20 Bruce Lane |

G. Continued Cases

| | |
|---------------|---|
| AI# 23 | CASE NO. 2018060965 - 9 Palm Harbor Village Way |
| AI# 24 | CASE NO. 2018060966 - 9 Palm Harbor Village Way |
| AI# 25 | CASE NO. 2018060967 - 9 Palm Harbor Village Way |
| AI# 26 | CASE NO. 2018060962 - 15 Palm Harbor Village Way |
| AI# 27 | CASE NO. 2018060963 - 15 Palm Harbor Village Way |
| AI# 28 | CASE NO. 2018060964 - 15 Palm Harbor Village Way |
| AI# 60 | CASE NO. 2017060119 - 14 Ballard Lane |
| AI# 66 | CASE NO. 2018070475 - 37 Braddock Lane |
| AI# 67 | CASE NO. 2018070710 - 37 Braddock Lane |

1. AI# 38

CASE NO. 2018060153 **RECURRING (4) JF**

City of Palm Coast vs. Vitaly Vinogradov

30 Rosecroft Lane (A)

(Palm Coast Code Section 44-34(c) Parking of Comm; Veh./Trailer in Residential District

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 – Violation Order and Administrative Costs. Vitaly Vinogradov, Respondent, presented his side.

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

Roll was called:

Mr. Pulos – Yes

Mr. Carruth – Yes

Mr. Bellapianta – Yes

Mr. Netts – Yes

Mr. Mugford - Yes

Mr. Roberts - Yes

Mr. Dodzik - Yes

Motion unanimously carried.

2. **AI# 9**

CASE NO. 2018061277 RECURRING (3) BS

City of Palm Coast vs. Michael Pringle

17 Black Alder Drive

(Palm Coast Code Section 44-34(c) Parking of Comm; Veh./Trailer in Residential District)

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. Michael Pringle, Respondent, presented his side.

Mr. Carruth 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 \$5,000.00 per day may be imposed. Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Roberts seconded the motion.

Roll was called:

Mr. Pulos – Yes

Mr. Carruth – Yes

Mr. Bellapianta – Yes

Mr. Netts – Yes

Mr. Mugford - Yes

Mr. Roberts - Yes

Mr. Dodzik - Yes

Motion unanimously carried.

3. **AI# 50**

CASE NO. 2018040578 MASSEY CSR

City of Palm Coast vs. Stanley B. Schneider, Trustee & Richard A. & Diane C. Kiwan

500 Palm Coast Pkwy SW

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

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 violation and Administrative Costs. Nancy Fitzgerald and Brian Leary, tenants of Respondent, presented their side.

Mr. Netts 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 brought the property into compliance on July 25, 2018; that a \$250.00 per day fine is imposed for the period of non-compliance from July 23 through July 24, 2018; totaling \$500.00. Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Carruth seconded the motion.

Roll was called:

Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes

Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes

Motion unanimously carried.

4. AI# 18

CASE NO. 2017100191 RECURRING (2) MH

City of Palm Coast vs. Pamela A. Evans

4 Carry Court

(Palm Coast Code Section 15-1-FBC 105.1 No Permit)

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. Pam Evans, Respondent, presented her side.

Mr. Netts moved to continue this case until the next Code Enforcement Board meeting. There was no second.

Barbara Grossman, Code Enforcement Manager explained to the Board members and Respondent what is required to come into compliance of the Code Enforcement Code of Ordinances. Mr. Netts withdrew this motion.

Mr. Carruth moved to find in this case that Respondent is in violation of City Code as charged; that Respondent correct the violation no later than thirty (30) days after this Order is entered in writing; that in the event in 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. Respondent shall pay Administrative Costs to the City in the amount of \$69.00. Mr. Roberts seconded the motion.

Roll was called:

Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes

Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes

Motion unanimously carried.

5. AI# 42

CASE NO. 2018060163 RECURRING (1) JS

City of Palm Coast vs. Jay Russell Stappenbeck

6 Burgess Place

(Palm Coast Code Section 44-34(i) Parking in 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 and Administrative Costs. Mary Beth Stappenbeck, wife of Respondent, was sworn in and presented her side.

Mr. Roberts 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. Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Carruth seconded the motion.

Roll was called:

**Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes**

**Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes**

Motion unanimously carried.

6. AI# 21

CASE NO. 2018070394 RECURRING (3) MH

City of Palm Coast vs. Jerome Bert Smith

2 Seagull Place

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

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 – Recurring Violation and Administrative Costs. Jerome Smith was sworn in and presented his side.

Mr. Carruth 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. Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Dodzik seconded the motion.

Roll was called:

**Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes**

**Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes**

Motion unanimously carried.

7. AI# 45

CASE NO. 2018070426

JS

City of Palm Coast vs. Qun-Sheng Ji & Feng Lei Sun

20 Classic Court South

(Palm Coast Code Section 35-76(d)(1) Nuisance-Broken Screens (Pool Enclosure))

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

Mr. Roberts moved to find in this case that Respondent is in violation of City Code as charged; that Respondent correct the violation no later than seven (7) days after this Order is entered in writing; that in the event the Respondent does not comply with the Order, a fine in the amount of \$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. Respondent shall pay Administrative Costs to the City in the amount of \$69.00. Mr. Carruth seconded the motion.

Roll was called:

Mr. Pulos – Yes

Mr. Carruth – Yes

Mr. Bellapianta – Yes

Mr. Netts – Yes

Mr. Mugford - Yes

Mr. Roberts - Yes

Mr. Dodzik - Yes

Motion unanimously carried.

8. AI# 46

CASE NO. 2018080240

JS

City of Palm Coast vs. Qun-Sheng Ji & Feng Lei Sun

20 Classic Court South

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

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

Mr. Roberts 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. Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Carruth seconded the motion.

Roll was called:

Mr. Pulos – Yes

Mr. Mugford - Yes

Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes

Mr. Roberts - Yes
Mr. Dodzik - Yes

Motion unanimously carried.

9. AI# 47

CASE NO. 2016020556 REQ. FORECLOSURE JS
City of Palm Coast vs. Qun-Sheng Ji & Feng Lei Sun
20 Classic Court South
(Palm Coast Code Section 35-76 Piling Missing)

Code Enforcement Manager requested this case be continued for thirty (30) days.

Mr. Carruth moved that this case be continued for thirty (30) days. Mr. Netts seconded the motion.

Roll was called:

Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes

Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes

Motion unanimously carried.

10. AI# 2

CASE NO. 2018051314 BMD
City of Palm Coast vs. Corlos Catalan
9 Burnell Place
(Palm Coast Code Section 15-114(a) Rubbish/Trash/Garbage)

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

Mr. Roberts 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. Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Carruth seconded the motion.

Roll was called:

Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes

Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes

Mr. Netts – Yes

Motion unanimously carried.

11. AI# 3

CASE NO. 2018061736 REPEAT (1) BMD

City of Palm Coast vs. Hung Hoange Nguyen

20 Lema Lane

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

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 fine for the period of non-compliance.

Mr. Roberts 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 July 5, 2018; that a \$50.00 per day fine is imposed for the period of non-compliance from June 25, 2018 to July 4, 2018; totaling \$500.00. Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Carruth seconded the motion.

Roll was called:

Mr. Pulos – Yes

Mr. Carruth – Yes

Mr. Bellapianta – Yes

Mr. Netts – Yes

Mr. Mugford - Yes

Mr. Roberts - Yes

Mr. Dodzik - Yes

Motion unanimously carried.

12. AI# 4

CASE NO. 2018061742 BMD

City of Palm Coast vs. Hung Hoange Nguyen

20 Lema Lane

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

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

Mr. Roberts 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. Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Carruth seconded the motion.

Roll was called:

Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes

Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes

Motion unanimously carried.

13. AI# 10

CASE NO. 2018061888 RECURRING (5) BS
City of Palm Coast vs. Kathleen McCarthy
2 Carlos Court
(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 is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation and Administrative Costs.

Mr. Roberts moved to find in this case that Respondent was in violation of 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. Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Dodzik seconded the motion.

Roll was called:

Mr. Pulos – Not Present
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes

Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes

Motion unanimously carried.

14. AI# 11

CASE NO. 2018051710 REPEAT (1) BS
City of Palm Coast vs. Rafael Gomez & Bravo Zunilda
76 Farragut Drive
(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 is in compliance. Staff recommends a fine for the period of non-compliance and Administrative Costs.

Mr. Carruth moved to find in this case that Respondent was in repeat violation of City Code as charged based on the Board's prior Order entered against the same Respondent for the same violation; that Respondent brought the property into compliance on June 9, 2018; that a \$50.00

per day fine is imposed for the period of non-compliance from June 5 to June 8, 2018; totaling \$200.00. Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Roberts seconded the motion.

Roll was called:

Mr. Pulos – Not Present
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes

Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes

Motion unanimously carried.

15. AI# 12

CASE NO. 2018070692 RECURRING (3) BS
City of Palm Coast vs. Joanna Reeley
55 Flemingwood Lane
(Palm Coast Code Section 41-11(a) Trash Containers)

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

Mr. Dodzik 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. Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Roberts seconded the motion.

Roll was called:

Mr. Pulos – Yes
Mr. Carruth – Not Present
Mr. Bellapianta – Yes
Mr. Netts – Yes

Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes

Motion unanimously carried.

16. AI# 14

CASE NO. 2018011043 MASSEY AN
City of Palm Coast vs. Nikolai Simonov
180 Palmwood Drive
(Palm Coast Code Section 15-108(h) Inoperable Vehicle)

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

Mr. Roberts moved to find in this case that 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 brought the property into compliance on August 9, 2018; that a \$50.00 per day fine is imposed for the period of non-compliance from June 20, 2018 to August 8, 2018; totaling \$2,500.00. Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Netts seconded the motion.

Roll was called:

Mr. Pulos – Yes

Mr. Carruth – Not present

Mr. Bellapianta – Yes

Mr. Netts – Yes

Mr. Mugford - Yes

Mr. Roberts - Yes

Mr. Dodzik - Yes

Motion unanimously carried.

17. AI# 15

CASE NO. 2018061455 RECURRING (4) AN

City of Palm Coast vs. Gershen & Vera Melnik

40 Pitt Lane

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

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

Mr. Roberts moved to find in this case that Respondent is in violation of City Code as charged; that 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 \$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. Respondent shall pay Administrative Costs to the City in the amount of \$69.00. Mr. Bellapianta seconded the motion.

Roll was called:

Mr. Pulos – Yes

Mr. Carruth – Yes

Mr. Bellapianta – Yes

Mr. Netts – Yes

Mr. Mugford - Yes

Mr. Roberts - Yes

Mr. Dodzik - Yes

Motion unanimously carried.

18. AI# 20

CASE NO. 2018070364

MH

City of Palm Coast vs. John W. & Allyson McGuire

32 Roxanne Lane

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

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

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

Roll was called:

Mr. Pulos – Yes

Mr. Carruth – Yes

Mr. Bellapianta – Yes

Mr. Netts – Yes

Mr. Mugford - Yes

Mr. Roberts - Yes

Mr. Dodzik - Yes

Motion unanimously carried.

19. AI# 32

CASE NO. 2018031290

BR

City of Palm Coast vs. Howard L. Willard, Jr.

19 Prince Walter Lane

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

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. Dodzik moved to find in this case that Respondent is in violation of City Code as charged; that 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 \$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. Respondent shall pay Administrative Costs to the City in the amount of \$69.00. Mr. Roberts seconded the motion.

Roll was called:

Mr. Pulos – Yes

Mr. Mugford - Yes

Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes

Mr. Roberts - Yes
Mr. Dodzik - Yes

Motion unanimously carried.

20. AI# 34

CASE NO. 2018050829 REPEAT (1) BR

City of Palm Coast vs. Peter Ruiz & Jessica Bacon

52 Sea Trail

(Palm Coast Code Section 44-34(c) Parking of Comm; Veh./Trailer in Residential District

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. Carruth moved to find in this case that Respondent was in repeat violation of City Code as charged based on the Board's prior Order entered against the same Respondent for the same violation; that the Respondent brought the property into compliance on May 13 2018; that a \$100.00 per day fine is imposed for the period of non-compliance on May 12, 2018. Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Roberts seconded the motion.

Roll was called:

Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes

Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes

Motion unanimously carried.

21. AI# 35

CASE NO. 2018060270 RECURRING (1) JF

City of Palm Coast vs. Wendy Hassock & Russell Jenkins

17 Renmont Court

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

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. Roberts moved to find in this case that Respondent is in violation of City Code as charged; that 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 Respondent is further ordered to contact the Code Enforcement Officer to verify compliance

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

Roll was called:

Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes

Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes

Motion unanimously carried.

22. AI# 36

CASE NO. 2018060271 RECURRING (3) JF
City of Palm Coast vs. Wendy Hassock & Russell Jenkins
17 Renmont Court
(Palm Coast Code Section 15-108(h) Unlicensed Vehicle)

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

Mr. Carruth moved to find in this case that Respondent is in violation of City Code as charged; that 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 aforestated date; that Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order. Mr. Roberts seconded the motion.

Roll was called:

Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes

Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes

Motion unanimously carried.

23. AI# 37

CASE NO. 2018060272 RECURRING JF
City of Palm Coast vs. Wendy Hassock & Russell Jenkins
17 Renmont Court
(Palm Coast Code Section 44-34(f) Improper Parking)

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. Carruth moved to find in this case that Respondent is in violation of City Code as charged; that 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 aforestated date; that Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order. Mr. Roberts seconded the motion.

Roll was called:

**Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes**

**Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes**

Motion unanimously carried.

24. AI# 40

CASE NO. 2018060437 REPEAT JF

*City of Palm Coast vs. Braian & Jade Merriman Adler
8 Rybar Lane*

(Palm Coast Code Section 44-34(c) Parking of Comm; Veh./Trailer 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 fine for the period of non-compliance and Administrative Costs.

Mr. Roberts 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 7, 2018; that a \$50.00 per day fine is imposed for the period of non-compliance from June 5, 2018 to June 6, 2018; totaling \$100.00. Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Dodzik seconded the motion.

Roll was called:

**Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes**

**Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes**

Motion unanimously carried.

25. AI# 48

CASE NO. 2017111152 MASSEY JS

*City of Palm Coast vs. Oscar Celico & Ester Florello
5 Fanwood Court*

(Palm Coast Code Section 44-34(f) Improper Parking)

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.

Mr. Carruth 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 brought the property into compliance on July 11, 2018; that as \$50.00 per day fine is imposed for the period of non-compliance from July 14, 2018 to July 10, 2018; totaling \$2,900.00. Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Roberts seconded the motion.

Roll was called:

**Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes**

**Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes**

Motion unanimously carried.

26. AI# 52

CASE NO. 2018071142 RECURRING (5) CSR
City of Palm Coast vs. Harold R. & Jacqueline A. Browne
63 Wellstream Lane
(Palm Coast Code Section 15-108(d) Weeds/Overgrowth)

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

Mr. Roberts moved to find in this case that 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. Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Dodzik seconded the motion.

Roll was called:

**Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes**

**Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes**

Motion unanimously carried.

Code Enforcement Officer Risch requested to rescind the Order as there was an error made and the property remains in violation.

Mr. Netts moved to rescind the previous No Fine Standing Order – Recurring Violation Order. Mr. Roberts seconded the motion.

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

Roll was called:

**Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes**

**Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes**

Motion unanimously carried.

27. AI# 55

CASE NO. 2018070053

CSR

*City of Palm Coast vs. Daniel E., Jr.. & AimeeLee & Abigail Taylor Siegel
50 Westfield Lane
(Palm Coast Code Section 17-39(a) Abandoned Property not Registered)*

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

Mr. Carruth moved to find in this case that Respondent is in violation of City Code as charged; that Respondent correct the violation no later than five (5) days after this Order is entered in writing; that in the event the Respondent does not comply with the Order, a fine in the amount of \$25.00 will be imposed for each and every day the violation continues past the aforestated date; that Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order. Respondent shall pay Administrative Costs to the City in the amount of \$69.00. Mr. Bellapianta seconded the motion.

Roll was called:

**Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes**

**Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes**

Motion unanimously carried.

28. AI# 56

CASE NO. 2018061955 RECURRING (6) CSR

City of Palm Coast vs. Martha Fedele

139 Westgrill Drive

(Palm Coast Code Section 44-34(f) Improper Parking)

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

Mr. Roberts moved to find in this case that 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. Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Carruth seconded the motion.

Roll was called:

Mr. Pulos – Yes

Mr. Carruth – Yes

Mr. Bellapianta – Yes

Mr. Netts – Yes

Mr. Mugford - Yes

Mr. Roberts - Yes

Mr. Dodzik - Yes

Motion unanimously carried.

29. AI# 57

CASE NO. 2018061954 RECURRING (6) CSR

City of Palm Coast vs. Martha Fedele

139 Westgrill Drive

(Palm Coast Code Section 44-34(c) Parking of Comm; Veh./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. Carruth 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. Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Roberts seconded the motion.

Roll was called:

Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes

Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes

Motion unanimously carried.

30. AI# 58

CASE NO. 2018061835 RECURRING (4) CSR
City of Palm Coast vs. Petr & Raisa Miroshnik
33 Westminster Drive
(Palm Coast Code Section 17-39(a) Weeds/Overgrowth)

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

Mr. Roberts moved to find in this case that 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. Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Carruth seconded the motion.

Roll was called:

Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes

Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes

Motion unanimously carried.

31. AI# 59

CASE NO. 2018061608 RECURRING (4) CSR
City of Palm Coast vs. Patrick M. Kirk
8 White Haven Lane
(Palm Coast Code Section 17-39(a) Weeds/Overgrowth)

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

Mr. Carruth 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. Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Roberts seconded the motion.

Roll was called:

**Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes**

**Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes**

Motion unanimously carried.

32. AI# 65

CASE NO. 2018020516 MASSEY SB

City of Palm Coast vs. Stacey N. Adams

2 Bowman Place

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

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. Roberts 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 \$25.00 per day fine is imposed for the period of non-compliance from June 22, 2018 to October 2, 2018; totaling \$2,575.00; 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. Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order. Respondent shall pay Administrative Costs to the City in the amount of \$69.50. When the property comes into compliance an Affidavit of Compliance will be issued. Mr. Carruth seconded the motion.

Roll was called:

**Mr. Pulos – Yes
Mr. Carruth – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes**

**Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Dodzik - Yes**

Motion unanimously carried.

33. AI# 69

CASE NO. 2018061115

SB

City of Palm Coast vs. Monica T. Mers

36 Bressler Lane

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

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. Carruth moved to find in this case that Respondent was in repeat violation of City Code as charged based on the Board's prior Order entered against the same Respondent for the same violation; that Respondent brought the property into compliance on June 15, 2018; that a \$25.00 per day fine is imposed for the period of non-compliance on June 14, 2018 totaling \$25.00. Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Roberts seconded the motion.

Roll was called:

Mr. Pulos – Yes

Mr. Carruth – Yes

Mr. Bellapianta – Yes

Mr. Netts – Yes

Mr. Mugford - Yes

Mr. Roberts - Yes

Mr. Dodzik - 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, November 7, 2018 at 10:00am.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:47 am.

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.