

CODE ENFORCEMENT BOARD
Wednesday, February 6, 2019 at 10:00 a.m.
Intracoastal Room
Palm Coast City Hall
160 Lake Avenue, Palm Coast, Florida

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

BOARD COUNSEL PRESENT: Mary Sneed

STAFF MEMBERS PRESENT: Code Enforcement Supervisor Mendez, Code Enforcement Officers Hadden, Festa, Shelley, Risch, Burton, Stafford, Nunez, MacDonald, Romeo, 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 January 9, 2019 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F. Withdrawn Cases: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. 2018080936 - 25 Pickcane Lane
AI# 2	CASE NO. 2018110373 - 109 Colechester Lane
AI# 12	CASE NO. 2018100087 - 91 Rae Drive
AI# 13	CASE NO. 2018070506 - 23 Richmond Drive
AI# 15	CASE NO. 2018081451 - 8 Royal Leaf Lane
AI# 18	CASE NO. 2018081685 - 53 Faircastle Lane
AI# 19	CASE NO. 2018110242 - 40 Farragut Drive
AI# 22	CASE NO. 2018110872 14 Kaufman Place
AI# 29	CASE NO. 2017100191 - 4 Carry Court
AI# 30	CASE NO. 2018061524 - 60 Courtney Place
AI# 32	CASE NO. 2018090774 - 9 Unimay Court A
AI# 33	CASE NO. 2018090776 - 9 Unimay Court A
AI# 35	CASE NO. 2018100556 - 3 Wood Arbor Lane
AI# 38	CASE NO. 2018030210 - 38 Pine Grove Drive
AI# 40	CASE NO. 2018030629 - 88 Pittman Drive
AI# 42	CASE NO. 2018070897 - 30 Prince Michael Lane
AI# 46	CASE NO. 2018011137 - 52 Barkwood Lane
AI# 50	CASE NO. 2018100845 - 12 Bradmore Lane (A)
AI# 51	CASE NO. 2018100381 - 58 Bradmore Lane (A)
AI# 52	CASE NO. 2018100983 - 67 Brigadoon Lane

AI# 55 CASE NO. 2018101004 - 3 Cedar Hollow Court
AI# 57 CASE NO. 2018090893 - 16 Colony Court
AI# 58 CASE NO. 2018081520 - 18 Corning Court

G. Continued Cases:

AI#41 CASE NO. 2018080078 - 31 Point of Woods Drive
AI#48 CASE NO. 2018070710 - 37 Braddock Lane
AI#49 CASE NO. 2018100172 - 37 Braddock Lane

1. AI# 44

CASE NO. 2018101350 RECURRING (5) SB
City of Palm Coast vs. Donald E. Salvas & Sandra Baxter
30 Bainbridge Lane
(Palm Coast Code Section 44-34(c) Parking of Comm. Veh./Trailer in Residential Dist.)

Code Enforcement Officer Burton presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Burton testified the property is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation and Administrative Costs. Donald Salvas, Respondent, presented his side.

Mr. Netts 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. Mugford - Yes
Mr. Carruth – Yes	Mr. Roberts - Yes
Mr. Bellapianta – Yes	Mr. Arcamone - Yes
Mr. Netts – Yes	

Motion unanimously carried.

2. AI# 45

CASE NO. 2018101351 RECURRING (4) SB
City of Palm Coast vs. Donald E. Salvas & Sandra Baxter
30 Bainbridge Lane
(Palm Coast Code Section 44-34(f) Improper Parking)

Code Enforcement Officer Burton presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Burton testified the property is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation and Administrative Costs. Donald Salvas, Respondent, presented his 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 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. 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. Arcamone - Yes**

Motion unanimously carried.

3. AI# 8

CASE NO. 2018101283 RECURRING ((3) CSR

City of Palm Coast vs. Manuel & Cidalia Guedes

39 Wedge Lane

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

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 No Fine Standing Order – Recurring Violation and Administrative Costs. Manuel Guedes, Respondent, and Nathan Wolken, tenant, presented their 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 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. 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. Arcamone - Yes**

Motion unanimously carried.

4. AI# 28

CASE NO. 2018101371 RECURRING AN

City of Palm Coast vs. Alicia Lynette & Tanika Fennell

10 Zollinger Place

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

Code Enforcement Officer Nunez presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Nunez testified the property is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation and Administrative Costs. Alicia Fennell, Respondent, and Donald Fennell, son, presented their side.

Mr. Netts 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. Arcamone - Yes

Motion unanimously carried.

5. AI# 31

CASE NO. 2018070364 MASSEY 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 evidence was shown to the Respondent. Officer Hadden testified this is a Massey case and the property remains in violation. Staff recommends a fine for the period of non-compliance and Administrative Costs. Suzanne Burns, tenant, presented her 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 has not brought the property into compliance; that a \$50.00 per day fine is imposed for the period of non-compliance from October 18, 2018 to February 5, 2019, totaling \$5,550.00 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. 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.

Roll was called:

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

Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Arcamone - Yes

Motion unanimously carried.

6. AI# 24

CASE NO. 2018011043 REDUCTION 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 and stated the Respondent was present to request a Reduction of Fine. Alina Pelarsky, Realtor, presented her side.

Mr. Roberts moved the fine be reduced in this case from \$2,500.00 to \$250.00 and that Respondent has thirty (30) days from the date of this Order to pay the reduced amount. If not paid by that date, the fine shall revert to the amount now due and all requested relief shall be deemed denied. Mr. Netts seconded the motion.

Roll was called:

Mr. Pulos – No
Mr. Carruth – No
Mr. Bellapianta – Yes
Mr. Netts – Yes

Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Arcamone - No

Motion carried 4/3.

7. AI# 14

CASE NO. 2018081368 RECURRING JF

City of Palm Coast vs. Craig Allan Leinger

2 Rocket Lane

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

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. Craig Leinger, Respondent, presented his side.

Mr. Netts 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. Respondent shall pay Administrative Costs to the City in the amount of \$69.00. Mr. Arcamone 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. Arcamone - Yes

Motion unanimously carried.

8. AI# 4

CASE NO. 2018100962 REPEAT (1) RS

City of Palm Coast vs. Mark Scott & Beth Ann Shuman

24 Poindexter Lane

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

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 a Repeat case and the in compliance. Staff recommends a fine for the period of non-compliance and Administrative Costs. Mark Scott, Respondent, presented his side.

Mr. Arcamone 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 October 26, 2018; that a \$100.00 per day fine is imposed for the period of non-compliance from October 21, 2018 to October 25, 2018; totaling \$500.00. 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. Arcamone - Yes

Motion unanimously carried.

9. AI# 26

CASE NO. 2018100495 AN

City of Palm Coast vs. Osvaldo Rivera & Stephen P. Fullman

4 Zeppelin Court

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

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

Mr. Netts 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 \$25.00 will be imposed for each and every day the violation continues past the aforesated date. 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. Arcamone 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. Arcamone - Yes

Motion unanimously carried.

10. AI# 27

CASE NO. 2018101538

AN

City of Palm Coast vs. Osvaldo Rivera & Stephen P. Fullman

4 Zeppelin Court

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

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

Mr. Netts 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 \$25.00 will be imposed for each and every day the violation continues past the aforesated date. 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 – No

Mr. Carruth – No

Mr. Bellapianta – Yes

Mr. Netts – Yes

Mr. Mugford - Yes

Mr. Roberts - Yes

Mr. Arcamone - Yes

Motion carried 5/2.

11. AI# 3

CASE NO. 2018051375

RECURRING (4) RS

City of Palm Coast vs. Consorcia L. & Peter J. Berberabe

19 Ehrling Lane

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

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

Mr. Netts 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. Arcamone - Yes

Motion unanimously carried.

12. AI# 5

CASE NO. 2018101363

BMD

City of Palm Coast vs. Mikhail & Marina Litvak

32 Langdon Drive

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

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. 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. Arcamone - Yes

Motion unanimously carried.

13. AI# 6

CASE NO. 2018110209 RECURRING (2) BMD

City of Palm Coast vs. Mikhail & Marina Litvak

32 Langdon Drive

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

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 – Recurring Violation and Administrative Costs.

Mr. Netts 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. Arcamone - Yes

Motion unanimously carried.

14. AI# 7

CASE NO. 2018100103 BMD

City of Palm Coast vs. Emily Allen

71 Leaver Drive

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

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

Mr. Arcamone 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. Arcamone - Yes

Motion unanimously carried.

15. AI# 9

CASE NO. 2018110199 REPEAT (1) CSR
City of Palm Coast vs. Emmett Woodfin
21 Wentworth 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 this is a Repeat case and the property is in compliance. Staff recommends a fine for the period of non-compliance and Administrative Costs.

Mr. Roberts moved to find in this case that Respondent was in repeat violation of City Code as charged based on the Board’s Order entered against the same Respondent for the same violation; that Respondent brought the property into compliance on November 11, 2018; that a \$50.00 per day fine is imposed for the period of non-compliance from November 6, 2018 to November 10, 2018; totaling \$250.00. 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 – Yes
Mr. Bellapianta – Yes
Mr. Netts – Yes

Mr. Mugford - Yes
Mr. Roberts - Yes
Mr. Arcamone - Yes

Motion unanimously carried.

16. AI# 10

CASE NO. 2018101493 RECURRING (5) CSR
City of Palm Coast vs. Theresa Butcher & Michael Macchi
32 Westfalls 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. Netts 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. 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. Arcamone - Yes**

Motion unanimously carried.

17. AI# 11

CASE NO. 2018070647 CSR

City of Palm Coast vs. Magaly Azocar

1 Westlee Place

(Palm Coast Code Section 35-76(d)(1) Nuisance-Stains on Exterior Walls

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 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 \$50.00 per day fine is imposed for the period of non-compliance from November 29, 2018 to February 5, 2019; totaling \$3,450.00; 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. 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. 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. Arcamone - Yes**

Motion unanimously carried.

18. AI# 16

CASE NO. 2018110013 RECURRING JF

City of Palm Coast vs. Roderick S. Smith

18 Royal Tern Lane

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

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 – Recurring Violation and Administrative Costs.

Mr. Netts 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. Arcamone - Yes

Motion unanimously carried.

19. AI# 17

CASE NO. 2018110335

BS

City of Palm Coast vs. Luis DE Oliveria & Alcides Lopes

34 Faircastle 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 for the period of non-compliance 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 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 \$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. 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. Arcamone - Yes

Motion unanimously carried.

20. AI# 20

CASE NO. 2018110329 REPEAT (1) BS

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

22 Fifer Lane

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

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

Mr. Netts 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 has not brought the property into compliance as of February 5, 2019; that a \$100.00 per day fine is imposed for the period of non-compliance from November 6, 2018 to February 5, 2019; totaling \$9,200.00; that a fine of \$100.00 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. Mr. Arcamone 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. Arcamone - Yes

Motion unanimously carried.

21. AI# 21

CASE NO. 2018091496 RECURRING (1) BS

City of Palm Coast vs. Raymond L. Jr. & Juanita S. Trivett Gray

43 Fort Caroline Lane

(Palm Coast Code Section 35-76(d)(1) Nuisance-Roof in Disrepair)

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. Netts 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 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. Arcamone - Yes

Motion unanimously carried.

22. AI# 25

CASE NO. 2018061455 MASSEY (5) 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 this is a Massey case and the property is in compliance. Staff recommends a fine for the period of non-compliance and Administrative Costs.

Mr. Roberts moved to find in this case that Respondent was in violation of City Code as charged; that Respondent failed to correct the violation by the time specified by the Code Enforcement Board in the Board’s Order entered into evidence in this case; that Respondent brought the property into compliance on October 30, 2018; that a \$25.00 per day fine is imposed for the period of non-compliance from October 11, 2018 to October 29, 2018; totaling \$475.00. 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. Arcamone - Yes

Motion unanimously carried.

23. AI# 34

CASE NO. 2018081308 MH
City of Palm Coast vs. Ronald J. Ward & Nicolette J. Mayer
6 Utide 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 Respondent was not present. Officer Hadden testified the property remains in violation. Staff recommends a Fine – Violation Order and Administrative Costs.

Mr. Roberts moved to find 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 aforesated date.

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. Arcamone - Yes

Motion unanimously carried.

24. AI# 36

CASE NO. 2018100357 REPEAT (1) BR
City of Palm Coast vs. Nelson J. & Susana M. Furtado
26 Panei 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 this is a Repeat case and 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 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 has not brought the property into compliance as of February 5, 2019; that a \$25.00 per day fine is imposed for the period of non-compliance from October 4, 2018 to February 2, 2019; totaling \$3,125.00; 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. 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. Arcamone - Yes

Motion unanimously carried.

25. AI# 37

CASE NO. 2018101068 REPEAT (2) BR
City of Palm Coast vs. Carlton B. Bennett
54 Pheasant Drive
(Palm Coast Code Section 44-34(c) Parking of Comm. Veh./Trailer in Residential Dist.)

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

Mr. Netts 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 October 22, 2018; that a \$150.00 per day fine is imposed for the period of non-compliance from October 18, 2018 to October 21, 2018; totaling \$600.00. Respondent shall pay Administrative Costs to the City in the amount of \$70.00. 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. Arcamone - Yes

Motion unanimously carried.

26. AI# 39

CASE NO. 2018101259 REPEAT (1) BR

City of Palm Coast vs. Kurt Lawrence

24 Pine Hill Lane

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

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

Mr. Netts 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 October 27, 2018; that a \$150.00 per day fine is imposed for the period of non-compliance from October 23, 2018 to October 26, 2018; totaling \$600.00. Respondent shall pay Administrative Costs to the City in the amount of \$70.00. 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. Arcamone - Yes

Motion unanimously carried.

27. AI# 43

CASE NO. 2018101534 REPEAT (1) BR

City of Palm Coast vs. Ilya Sirota

37 Princess Dolores Lane

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

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

Mr. Arcamone 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 November 3, 2018; that a \$100.00 per day fine is imposed for the period of non-compliance on November 2, 2018 totaling \$100.00. 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. Mugford - Yes

Mr. Carruth – Yes

Mr. Roberts - Yes

Mr. Bellapianta – Yes

Mr. Arcamone - Yes

Mr. Netts – Yes

Motion unanimously carried.

28. AI# 47

CASE NO. 2018100226 SB

City of Palm Coast vs. Lester Lloyd Barclay Trust

38 Berkshire Lane

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

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 – Violation Order and Administrative Costs.

Mr. Netts 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. Roberts seconded the motion.

Roll was called:

Mr. Pulos – Yes

Mr. Mugford - Yes

Mr. Carruth – Yes

Mr. Roberts - Yes

Mr. Bellapianta – Yes
Mr. Netts – Yes

Mr. Arcamone - Yes

Motion unanimously carried.

29. AI# 53

CASE NO. 2018101000 RECURRING (5) JS

City of Palm Coast vs. Lisa Lamont

101 Brookside 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 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. Arcamone - Yes

Motion unanimously carried.

30. AI# 54

CASE NO. 2018101001 JS

City of Palm Coast vs. Arnaldo Coelho Pereira, Jr.

3 Cedar Hollow Court

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

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 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 aforesaid 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. Arcamone - Yes

Motion unanimously carried.

31. AI# 56

CASE NO. 2018061914 JS

City of Palm Coast vs. M. Weber LLC

94 Club House Drive

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

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. Netts 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. 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. Arcamone - Yes

Motion unanimously carried.

32. AI# 59

CASE NO. 2018100673 JS

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

22 Fifer 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. 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. 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. Arcamone - Yes

Motion unanimously carried.

33. AI# 60

CASE NO. 2018100685 RECURRING (3) JS

City of Palm Coast vs. Marie Cona Life Estate %Dicaterino Vittorlo

48 Fischer 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 – 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. Arcamone - Yes

Motion unanimously carried.

OLD BUSINESS:

None to report.

NEW BUSINESS

None to report.

ANNOUNCEMENT OF NEXT MEETING:

The next meeting of the Code Enforcement Board will be held on Wednesday, March 6, 2019 at 10:00am.

ADJOURNMENT:

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