

**CODE ENFORCEMENT BOARD**  
**Wednesday, April 3, 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 Lead, Romeo Officers Hadden, Festa, Shelley, Risch, Burton, Stafford, Nunez, MacDonald, 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 March 6, 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**F. Withdrawn Cases:**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# 2           CASE NO. 2018040035 - *21 Eastwood Drive*  
AI# 5           CASE NO. 2019010937 - *8 Zircon Court*  
AI# 6           CASE NO. 2018100653 - *15 Paul Lane*  
AI# 8           CASE NO. 2018101550 - *20 Porter Lane*  
AI# 9           CASE NO. 2018100209 - *45 Prosperity Lane (A)*  
AI# 17          CASE NO. 2018111165 - *11 Russo Drive*  
AI# 18          CASE NO. 2018091207 - *4 Slidell Place*  
AI# 23          CASE NO. 2018081579 - *100 Vireo Drive*  
AI# 24          CASE NO. 2019010831 - *6 Wainbush Place*  
AI# 32          CASE NO. 2019010396 - *18 Becket Lane*  
AI# 34          CASE NO. 2018120747 - *36 Bressler Lane*  
AI# 38          CASE NO. 2018080084 - *2 Charles Court*  
AI# 39          CASE NO. 2018110815 - *25 Claridge Court South*  
AI# 41          CASE NO. 2018101320 - *25 Creek Court*  
AI# 42          CASE NO. 2018110701 - *2 Crompton Place ( C)*  
AI# 45          CASE NO. 2018081575 - *10 Fanwood Court*  
AI# 47          CASE NO. 2018110895 - *59 Florida Park Drive*

**G. Continued Cases:**

AI#10          CASE NO. 2017060119 - *14 Ballard Lane*

AI#29           CASE NO. 2017120968 – 30 Whittier Lane  
AI#33           CASE NO. 2019010344 – 37 Braddock Lane  
AI#37           CASE NO. 2018111204 – 30 Whittier Lane  
AI#46           CASE NO. 2018101193 – 7 Fleming Court

1. AI# 11

**CASE NO. 2017120862      REDUCTION      BS**

*City of Palm Coast vs. Manuel Alvarado*

**23 Farragut Drive**

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

Code Enforcement Officer Shelley presented case history and stated the Respondent was present to request a Reduction of Fine. Manuel Alvarado, Respondent presented his side.

**Mr. Carruth moved the fine be reduced in this case from \$3,500.00 to \$500.00 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. 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.**

2. AI# 22

**CASE NO. 2018121033      MH**

*City of Palm Coast vs. Diane M. Johnson*

**35 Uthorne Place**

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

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 still in violation. Staff recommends a Fine – Violation Order and Administrative Costs. Brian & Diane Johnson, Respondents, presented their side

**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 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 – No**

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

**Motion carried 6/1.**

**3. AI# 21**

**CASE NO. 2018030826 MASSEY** MH  
*City of Palm Coast vs. Paul F. & Rhonda E. Walsh*  
**44 Utah Place**  
*(Palm Coast Code Section 35-76(d) Nuisance-Missing Garage Door)*

Code Enforcement Officer Hadden presented case history, paperwork and photos into evidence. The Respondent was not present. 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. Maxwell Van Nappen, Realtor, presented his side on behalf of the owners. He advised the Board of the owner's intent to comply with the City's request upon eviction of the occupants, who are squatting on the property.

**Mr. Carruth moved to continue this hearing for 30 days. The motion was not seconded. After a brief discussion with the Board, Mr. Carruth amended his motion to continue the hearing for 60 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. Arcamone - Yes**

**Motion unanimously carried.**

**4. AI# 27**

**CASE NO. 2018111244** CSR  
*City of Palm Coast vs. Joseph J. & Sherry Murtagh*  
**66 Westminster Drive**  
*(Palm Coast Code Section 35-76(d)(1) Nuisance-Tarp on Roof)*

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 still in violation. Staff recommends a Fine – Violation Order and Administrative Costs. Sherry Murtagh Respondent, presented her 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 \$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. Pulos seconded the motion.**

**Roll was called:**

<b>Mr. Pulos – Yes</b>	<b>Mr. Mugford - Yes</b>
<b>Mr. Carruth – Yes</b>	<b>Mr. Roberts - Yes</b>
<b>Mr. Bellapianta – Yes</b>	<b>Mr. Arcamone - Yes</b>
<b>Mr. Netts – Yes</b>	

**Motion unanimously carried.**

**5. AI# 14**

**CASE NO. 2017081835      REDUCTION      JF**  
*City of Palm Coast vs. Danielle L. Williams & David J. & Kim A. Riker*  
**9 Regina Lane**  
*(Palm Coast Code Section 14-114 (a) Rubbish/Trash/Garbage)*

Code Enforcement Officer Shelley presented case history and stated the Respondent was present to request a Reduction of Fine. David Riker, Respondent presented his side.

**Mr. Roberts moved the fine be reduced in this case from \$22,500.00 to \$500.00 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. Pulos seconded the motion.**

**Roll was called:**

<b>Mr. Pulos – Yes</b>	<b>Mr. Mugford - Yes</b>
<b>Mr. Carruth – Yes</b>	<b>Mr. Roberts - Yes</b>
<b>Mr. Bellapianta – Yes</b>	<b>Mr. Arcamone - Yes</b>
<b>Mr. Netts – Yes</b>	

**Motion unanimously carried.**

**6. AI# 28**

**CASE NO. 2018121134      RECURRING      CSR**  
*City of Palm Coast vs. Jessica Lynn Laks*  
**23 Westridge Lane**  
*(Palm Coast Code Section 44-34(f) Improper Parking)*

Code Enforcement Officer Risch presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Risch testified this is a recurring violation and property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs. Jessica Laks, Respondent, 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 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.**

**7. AI# 1**

**CASE NO. 2018121138            RECURRING            BMD**

*City of Palm Coast vs. Phillip T. Pingshaw*

**6 Burne Place**

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

Code Enforcement Officer MacDonald presented case history, paperwork and photos into evidence. The Respondent was not present. Officer MacDonald testified this is a recurring violation and 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 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.**

**8. AI# 3**

**CASE NO. 2019010143      RECURRING      AN**

*City of Palm Coast vs. Michael & Sonia P Atkinson*

***13 Evanston Lane***

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

Code Enforcement Officer Nunez presented case history, paperwork and photos into evidence. The Respondents were not present. Officer Nunez testified the property is a recurring violation and 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 Respondents were 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 Respondents 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. Respondents shall pay Administrative Costs to the City in the amount of \$53.50. 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.**

**9. AI# 4**

**CASE NO. 2018121146      RECURRING      AN**

*City of Palm Coast vs. Michael & Sonia P. Atkinson*

***13 Evanston Lane***

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

Code Enforcement Officer Nunez presented case history, paperwork and photos into evidence. The Respondents were not present. Officer Nunez testified the property is a recurring violation and 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 Respondents were 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 Respondents 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. Respondents 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.**

**10. AI# 7**

**CASE NO.2018080535      MASSEY      BR**  
*City of Palm Coast vs. Eyvonne M. Green*  
**13 Pine Grove Drive**  
*(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 Massey 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 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 December 12, 2018 to April 4, 2019, totaling \$5,300.00 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. 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.**

**11. AI# 12**

**CASE NO. 2019010044      REPEAT      BS**  
*City of Palm Coast vs. Charles & Anita Blum*  
**18 Felter Lane**  
*(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 Respondent was not present. Officer Shelley 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 Respondents were in repeat violation of City Code as charged based on the Board’s Order entered against the same Respondents for the same violation; that Respondents brought the property into compliance on December 28, 2018; that a \$150.00 per day fine is imposed for the period of non-compliance on December 29, 2018; totaling \$150.00. Respondents 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.**

**12. AI# 13**

**CASE NO. 2019010681** BS

*City of Palm Coast vs. Angelina Devito & Gordon Todd Kneable*

**25 Freneau Lane**

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

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 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 Respondents were in repeat violation of City Code as charged based on the Board’s Order entered against the same Respondents for the same violation; that Respondents brought the property into compliance, on February 21, 2019; that a \$400.00 per day fine is imposed for the period of non-compliance from January 15, 2019 to February 20, 2019; totaling \$150.00. Respondents shall pay Administrative Costs to the City in the amount of \$71.00. 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.**

**13. AI# 15**

**CASE NO. 2018061039      MASSEY      JF**  
*City of Palm Coast vs. Suzette Garcia & Tyler Hurry*  
**29 Rolling Sands Drive**  
*(Palm Coast Code Section 15-110(a)(7) Roof in Disrepair)*

Code Enforcement Officer Festa presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Festa 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.

**Mr. Roberts moved to find in this case that Respondents were in violation of City Code as charged; that Respondents 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 Respondents have not brought the property into compliance; that a \$100.00 per day fine is imposed for the period of non-compliance from December 24, 2018 to April 2, 2019, totaling \$5,000.00 and 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. Respondents shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Carruth seconded the motion.**

**Roll was called:**

<b>Mr. Pulos – Yes</b>	<b>Mr. Mugford - Yes</b>
<b>Mr. Carruth – Yes</b>	<b>Mr. Roberts - Yes</b>
<b>Mr. Bellapianta – Yes</b>	<b>Mr. Arcamone - Yes</b>
<b>Mr. Netts – Yes</b>	

**Motion unanimously carried.**

**14. AI# 16**

**CASE NO. 2018040167      MASSEY      JF**  
*City of Palm Coast vs. Suzette Garcia & Tyler Hurry*  
**29 Rolling Sands Drive**  
*(Palm Coast Code Section 17-39(a) Residential Rental Program)*

Code Enforcement Officer Festa presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Festa testified this is a Massey case and 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 Respondents were in violation of City Code as charged; that Respondents 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 Respondents have not brought the property into compliance; that a \$25.00 per day fine is imposed for the period of non-compliance from December 12, 2018 to April 2, 2019, 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. Respondents are**

further ordered to contact the Code Enforcement Officer to verify compliance with this Order. Respondents 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.

15. AI# 19

CASE NO. 2018080093 MASSEY MH

City of Palm Coast vs. Chantal Clark

20 Smollett Place

(Palm Coast Code Section 105-108(d) Weeds/Overgrowth)

Code Enforcement Officer Hadden presented case history, paperwork and photos into evidence. The Respondents were not present. Officer Hadden 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 oved to find in this case that Respondent were 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 March 22, 2019; that a \$50.00 per day fine is imposed for the period of non-compliance from December 21, 2018 to March 21, 2019; totaling \$4,550.00. 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.

16. AI# 20

CASE NO. 2018080094 MASSEY MH

City of Palm Coast vs. Chantal Clark

20 Smollett Place

(Palm Coast Code Section 105-108(h) Inoperable Vehicle)

Code Enforcement Officer Hadden presented case history, paperwork and photos into evidence. The Respondents were not present. Officer Hadden 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 March 22, 2019; that a \$50.00 per day fine is imposed for the period of non-compliance from December 21, 2018 to March 21, 2019; totaling \$4,550.00. 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.**

**17. AI# 25**

**CASE NO. 2018120901 REPEAT CSR**

*City of Palm Coast vs. Cassandra Realty, Inc.*

**33 Wellwater Drive (A)**

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

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 December 21, 2018; that a \$100.00 per day fine is imposed for the period of non-compliance on December 22, 2018; totaling \$100.00. Respondent shall pay Administrative Costs to the City in the amount of \$70.00. 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.**

**18. AI# 26**

**CASE NO. 2018120903 REPEAT** CSR

*City of Palm Coast vs. Cassandra Realty, Inc.*

**33 Wellwater Drive (A)**

*(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 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 December 21, 2018; that a \$100.00 per day fine is imposed for the period of non-compliance on December 22, 2018; totaling \$100.00. 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.**

**19. AI# 30**

**CASE NO. 2018120996** CSR

*City of Palm Coast vs. Marion C. Whitlock*

**61 Becker 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 still 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 \$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. 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.**

**20. AI# 31**

**CASE NO. 2018120997** SB  
*City of Palm Coast vs. Marion C. Whitlock*  
**61 Becker Lane**  
*(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 is still 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 \$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.**

**21. AI# 35**

**CASE NO. 2018120746** **REPEAT** SB  
*City of Palm Coast vs. Monica T. Mers*  
**36 Bressler Lane**  
*(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 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 Order entered against the same Respondents for the same violation; that Respondent brought the property into compliance on February 5, 2019; that a \$100.00 per day fine is imposed for the period of non-compliance from December 17, 2018 to February 4, 2019; totaling \$5,000.00. 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.**

**22. AI# 36**

**CASE NO. 2018120746 REPEAT SB**

*City of Palm Coast vs. Monica T. Mers*

**36 Bressler Lane**

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

Code Enforcement Officer Burton presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Burton 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 Order entered against the same Respondents for the same violation; that Respondent brought the property into compliance on February 5, 2019; that a \$50.00 per day fine is imposed for the period of non-compliance from December 17, 2018 to February 4, 2019; totaling \$2,500.00. 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.**

**23. AI# 40**

**CASE NO. 2019010051      RECURRING      JS**

*City of Palm Coast vs. John Barrett*

**44 Cooper Lane**

*(Land Development Code 15-108(h) Unlicensed Vehicle)*

Code Enforcement Officer Stafford presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Stafford testified the property is still 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 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. Carruth seconded the motion.**

**Roll was called:**

**Mr. Pulos – Yes**

**Mr. Carruth – Yes**

**Mr. Bellapianta – Yes**

**Mr. Netts – No**

**Mr. Mugford - Yes**

**Mr. Roberts - Yes**

**Mr. Arcamone - Yes**

**Motion carried 6/1.**

**24. AI# 43**

**CASE NO. 2018120556      RECURRING      JS**

*City of Palm Coast vs. Marc J. Bunk*

**6 Curtis Court (A)**

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

Code Enforcement Officer Stafford presented case history, paperwork and photos into evidence. The Respondents were not present. Officer Stafford testified the property is a recurring violation and 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 – Not Present  
Mr. Carruth – Yes  
Mr. Bellapianta – Yes  
Mr. Netts – Yes

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

**Motion unanimously carried.**

**25. AI# 44**

**CASE NO. 2018120467      RECURRING      JS**  
*City of Palm Coast vs. Marc J. Bunk*  
**6 Curtis Court (A)**  
*(Palm Coast Code Section 15-108(h) Unlicensed Vehicle)*

Code Enforcement Officer Stafford presented case history, paperwork and photos into evidence. The Respondents were not present. Officer Stafford testified the property is a recurring violation and 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.**

**OLD BUSINESS:**

None to report.

**NEW BUSINESS**

Mr. Carruth requested for the code officers to advise the Board when a reduction case is being brought before them, if the property owner attended the Massey hearing prior to the reduction request. He suggested it would help the Board to be better able to make a determination regarding the fine amount. Board Attorney, Ms. Snead informed the Board they could ask that question of the code officer at time of his/her testimony. Code Enforcement Lead Romeo informed the Board that in future Hearings, the code officers will include the information requested of Mr. Carruth in their testimony.

**ANNOUNCEMENT OF NEXT MEETING:**

The next meeting of the Code Enforcement Board will be held on Wednesday, May 1, 2019 at 10:00am.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 11:25 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.*