

## **CODE ENFORCEMENT**

### **BOARD**



*Crossroads of Flagler County*

## **BOARD MEMBERS**

**JOY ALLEN  
KATHRYN DAVIS  
DELORIES HALL  
KENNETH GORDON  
VICKIE TURNER**

## **CODE ENFORCEMENT BOARD AGENDA**

**Wednesday, February 8, 2017 at 7:00 PM**

**Bunnell City Complex**

**201 W. Moody Blvd., Chambers Meeting Room, Bunnell, FL 32110**

---

- 1. Call Meeting to Order and Pledge Allegiance to the Flag.**
- 2. Roll Call and determination of Quorum.**
- 3. Disclosure of Ex-Parte communications.**

### **Approval of Minutes:**

- 4. 2016 12 14 Code Enforcement Board minutes**
- 5. Swearing in of witnesses.**

### **Old Business:**

- 6. Case Number 16-054 City of Bunnell vs. Mary L. Alexander Trustee**  
301 E. Booe St.  
This is a violation of the following City Codes:  
Code of Ordinance Sec. 2-191 Definitions  
Code of Ordinance Sec. 2-193 Special event permit application  
NTA: 1/10/17

### **New Business:**

- 7. Case Number 16-056 City of Bunnell vs. Todd & Edith McCoy**  
103 Deen Rd.  
This is a violation of the following City Codes:  
Code of Ordinance Sec. 70-1 Removal of certain plants, weeds, trash and litter; duty of owner; service of notice  
NTA: 1/10/17
- 8. Announcements**
- 9. Next Scheduled Meeting: April 12, 2017**
- 10. Adjournment of Code Enforcement Board**

**This Agenda is subject to change. Please see posted copy on the City of Bunnell website  
[www.bunnellcity.us](http://www.bunnellcity.us)**

**NOTICE:** IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION OR ANY OF ITS BOARDS, WITH RESPECT TO ANY MATTER CONSIDERED AT ANY MEETING OF SUCH BOARDS OR COMMISSION, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. 286.0105, FLORIDA STATUTES. ANY PERSON REQUIRING A SPECIAL ACCOMMODATION AT THIS MEETING BECAUSE OF DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT CITY HALL AT 386.437.7500.



## City of Bunnell, Florida

### Agenda Item No. 4.

#### ATTACHMENTS:

Description

Minutes

Type

Minutes



**CODE ENFORCEMENT BOARD MINUTES**  
**Wednesday, December 14, 2016, 2016 at 7:00 PM**  
**Bunnell City Complex**  
**201 W Moody Blvd., Chambers Meeting Room, Bunnell, FL 32110**

---

**1. Call to Order and Pledge of Allegiance to the Flag.**

Joy Allen, Chair, called the meeting to order and led the Pledge of Allegiance.

**2. Roll Call and determination of Quorum.**

**Present:** Joy Allen; Chair; Kenneth Gordon; Kathryn Davis; Attorney Charles Cino (non-voting); Ron Bolser (non-voting); Kristen Bates (non-voting); Yvonne Bolton (non-voting)

**Excused:** Vickie Turner; Delories Hall

**Unexcused:** None

**3. Disclosure of Ex-Parte communications.**

None.

**4. Approval of the October 12, 2016 Code Enforcement Board Hearing Minutes.**

**Motion:** Approve the October 12, 2016 Code Enforcement Board Hearing minutes.

**Moved By:** Kenneth Gordon

**Seconded By:** Kathryn Davis

**Vote:** Motion carried by unanimous vote.

**5. Swearing in of witnesses.**

Board Attorney, Charlie Cino, swore in the following witnesses:

Ron Bolser, Code Enforcement Officer

Kristen Bates, Acting Community Development Director

Lee Yanasheski, Case # 16-023

Officer Tulley, Case #16-054

Mary Alexander, Case # 16-054

**Old Business:**

**6. Case # 16-023 City of Bunnell vs. Pinecrest Business Center LLC C/O Brian Grobowski**

This case was presented by Acting Community Development Director Kristen Bates. This case was opened on May 11, 2016 and has been heard by the Code Enforcement Board at previous meetings. The property is now in compliance and staff recommended the property be found in compliance and the case closed.

**Motion:** Find the property in compliance and close the case.

**Moved By:** Kathryn Davis

**Seconded By:** Kenneth Gordon

**Vote:** Motion carried by unanimous vote.

**7. Case# 16-028 City of Bunnell vs. Marco V Lopez Cruz**

This case was presented by Acting Community Development Director Kristen Bates. This case was opened May 18, 2016 and has been heard by the Code Enforcement Board at previous meetings. A site visit completed on December 2, 2016 indicated the property had been brought into compliance. Staff recommended finding the property in compliance and closing the case.

**Motion:** Find the property in compliance and close the case.

**Moved By:** Kenneth Gordon

**Seconded By:** Kathryn Davis

**Vote:** Motion carried by unanimous vote.

**8. Case # 16-040 City of Bunnell vs. Linda Broxton**

This case was presented by Acting Community Development Director Kristen Bates. This case was opened July 26, 2016 and has been heard by the Code Enforcement Board at previous meetings. A site visit completed on December 14, 2106 indicated the property had been brought into compliance. Staff recommended finding the property in compliance and closing the case.

**Motion:** Find the property in compliance and close the case.

**Moved By:** Kenneth Gordon

**Seconded By:** Kathryn Davis

**Vote:** Motion carried by unanimous vote.

**9. Case # 16-049 City of Bunnell vs. Patricia Jones & Wendy Jones**

This case was presented by Acting Community Development Director Kristen Bates. This case was opened August 22, 2016 and has been heard by the Code Enforcement Board at previous meetings. A site visit completed on December 2, 2016 indicated the property had been brought into compliance. Staff recommended finding the property in compliance and closing the case.

**Motion:** Find the property in compliance and close the case.

**Moved By:** Kenneth Gordon

**Seconded By:** Kathryn Davis

**Vote:** Motion carried by unanimous vote.

**New Business:**

**10. Case # 16-54 City of Bunnell vs. Mary Alexander**

This case was presented by Acting Community Development Director Kristen Bates. On October 20, 2016, an unpermitted special event was held at this property. Office Tulley provided testimony regarding the event, explained the impact to the City and explained the response of the Bunnell Police Department. It is not possible for the owner of the property to come into compliance as the violation is a special event that had already occurred without any type of permit from the City. Staff recommended finding the property non-complaint and imposing a \$250.00 one-time fine.

Mary Alexander, property owner, was present and provided information to the Code Enforcement Board. She advised she is in the process of evicting the tenant who held the event.

**Motion:** Find the property Non-compliance and continue the case until the February 2017 Code Board meeting. Also, defer imposing the fine to give the respondent time to finish the eviction process of the tenant from the apartment complex.

**Moved By:** Kathryn Davis

**Seconded By:** Kenneth Gordon

**Vote:** Motion carried by unanimous vote.

**11. Public Comments:**

None

**12. Announcement of next scheduled meeting:** February 8, 2017

**13. Adjournment of Code Enforcement Board.**

**Motion:** Adjourn the meeting.

**Moved By:** Kenneth Gordon

**Seconded By:** Kathryn Davis

**Vote:** Motion carried by unanimous vote.

---

Board Chair

---

Acting Community Development  
Director



## City of Bunnell, Florida

### Agenda Item No. 6.

Document Date: 1/19/2017 Code Enforcement Case Number: 16-054

Department: Community Development

Subject: Case Number 16-054 City of Bunnell vs. Mary L. Alexander Trustee

Address: 301 E. Booe St.

Zoning: R-2, Multi-Family Residential district

Agenda Section: Old Business

#### ATTACHMENTS:

Description	Type
Affidavit	Exhibit
Respondent Documentation	Exhibit

#### Code Exerpts:

##### ***Bunnell Code of Ordinances Sec. 2-191. - Definitions.***

*Special event means any parade, festival, city-sanctioned event, or any other event of entertainment, cultural, recreational, educational, political, religious nature that is open to the general public whether as participants or spectators; and is unlike the customary activity offered by the individual, organization, or business; and which requires special public health, safety, and welfare considerations as contemplated in this article and as determined by the community development director or designee. Special events shall not include events hosted at a venue designed for the event or customary to the use held on site such as sporting events at designated fields, or musical/theatrical productions at any amphitheater or auditorium. Commercial activities at special events may take place but shall be ancillary to the event and not the event itself; this requirement shall not apply to city-sanctioned events.*

##### ***Bunnell Code of Ordinances Sec. 2-193. - Special event permit application.***

*If the activity is determined to be a special event, the event holder will be required to apply for a special event using the city special event application.*

#### Background:

On Thursday October 20, 2016 approximately 30 plus people assembled at the above location for a block party that spilled over to the roadway blocking traffic in the area around the property. The Bunnell Police department was called to the scene for crowd control.

The Notice of Violation (NOV) was sent to the property owner as identified on the Flagler County Property Appraiser website on October 21, 2016.

This case was last heard at the December 14, 2016 Code Enforcement Board meeting. At this meeting, Office Tully provided testimony about the response of the Bunnell Police Department and the respondent testified she

was in the process of evicting the tenant responsible for this special event. The Code Enforcement Board voted to find the property in Non-Compliance and deferred imposing a fine until the next scheduled meeting.

The Notice to Appear (NTA) for the February 8, 2017 Code Enforcement Board meeting was sent by certified mail return receipt on January 10, 2017.

The property was posted for the February 8, 2017 Code Enforcement Board meeting on January 27, 2017.

It is not possible for the owner of the property to come into compliance as the violation is a special event that has already occurred without any type of permit from the City.

Three Bunnell Police Officers responded to the event and spent an hour dealing with crowd control and ensuring the streets were cleared of the people at the event.

There are no delinquent taxes on this property.

**Staff Recommendation:**

Impose a one-time fine of \$100.00, which equals the cost of time spent by the Bunnell Police Department responding to the unpermitted event, and close the case. This recommended fine amount does not include any administration costs spent on this case.

**City Attorney Review:**



12-7-2017 02:53 PM  
INCIDENT #: 2512  
INCIDENT CODE: CE-SP EVENT PERMIT  
PROPERTY: 301 BOOE ST E

INCIDENT NOTES REPORT

PAGE: 1  
ORIG. DATE: 12/05/2016

NOTES

-----  
Incident Notes:

16-054  
violation:CoO Sec. 2-191 Defintions AND CoO Sec. 2-193 Special event  
permit  
Owmers: Alexander Mary L Trustee  
NOV: 10/21/2016  
NTA:11/23/2016 CB Hearing: 12/14/2016 Outcome: Found Non-Compliant; con't  
to 2/8/17  
NTA: CB Hearing: 2/8/17 Outcome:

Task #: 4267 - VERIFY COMPLAINT - 10/21/2016  
10/20/2016 Event held at 301 E Booe St Bunnell FL without a special event  
permit waiver being completed. Code Enforcement was not present at  
event. Code enforcement notified of the event by the Bunnell Police  
Department.

Task #: 4268 - 01-NOTICE OF VIOL - 12/05/2016  
10/21/2016 NOV was sent to the owner of the property as identified on the  
property appraiser website by certified return receipt 7014 2120 0004  
5714 2918  
11/07/2016 Green return receipt card returned signed by Gregery Descarder  
JR

Task #: 4269 - 02-NOTICE TO APPEAR - 12/05/2016  
11/23/2016 NTA was sent to the owner of the property as identified on the  
property appraiser website by certified return receipt 7014 2120 0004  
5714 2864

Task #: 4272 - ONSITE VISIT - 12/05/2016  
12/2/2016 Onsite visit property was posted for the December 14, 2016 code  
board meeting.

Task #: 4310 - REINSPECTION - 11/23/2016  
11/23/16 Special Event permit Violation occurred in October 2016.  
Property cannot be brought into compliance due to the nature of the  
violation. The case is being set for a hearing before the Code  
Enforcement Board.

Task #: 4311 - CODE BOARD ACTION - 12/14/2016  
12/14/16 Code Enforcement Board Hearing:  
Office Tulley provided testimony regarding the event, explained the  
impact to the City and explained the response of the Bunnell Police  
Department. Staff recommended finding the property non-complaint and

11-7-2017 02:53 PM  
INCIDENT #: 2512  
INCIDENT CODE: CE-SP EVENT PERMIT  
PROPERTY: 301 BOOE ST E

INCIDENT NOTES REPORT

PAGE: 2  
ORIG. DATE: 12/05/2016

NOTES

-----  
imposing a \$250.00 one-time fine. Respondent, Mary Alexander, provided testimony. She advised she is in the process of evicting the tenant who held the event. The Code Board voted to find the property Non-compliant and continue the case until the February 2017 Code Board meeting. They also, defer imposing the recommended fine to give the respondent time to finish the eviction process of the tenant from the apartment complex and provide the proof/documentation to the City.

Task #: 4312 - CODE BOARD ACTION - 2/08/2017

Task #: 4354 - NOTES - 12/29/2016

12/29/16: Received statement from Mary Alexander the tenant responsible for the unpermitted special event moved out of the property on 12/23/16.

Task #: 4355 - 02-NOTICE TO APPEAR - 1/19/2017

1/10/17: The Notice to Appear (NTA) for the February 8, 2017 Code Enforcement Board meeting was sent to the respondent via certified mail return receipt #7014 2120 5714 2833.

Task #: 4372 - ONSITE VISIT - 1/27/2017

1/27/17: Property was posted for the February 8, 2017 Code Enforcement Board meeting.

*1/27/17 Affidavit: K. Bates*

**THREE-DAY NOTICE TO TENANT****Demand for Possession of Premises  
Pursuant  
Florida Statutes 83.56**

FLAGLER COUNTY, STATE OF FLORIDA  
December 19, 2016

To : Nateshawn Royal

**AND ANY UNKNOWN TENANT**

You are hereby notified that you have violated the terms of your lease so you have to vacate the premises located at: 300 East Booe St. Apt 3 Bunnell, FL 32110.

That is now occupied by you. I demand full possession of the premises within (3) days (excluding Saturday, Sunday, and legal holidays) from the date of delivery of this notice, to wit: on or before the following date 23<sup>rd</sup> day of December, 2016.

Landlords Name: Mary Alexander  
Address: 7 Farragut Drive  
City, State & Zip: Palm Coast, FL 32137  
Phone Number: 386-445-3323

**CERTIFICATE OF SERVICE**

I Mary Alexander certify that a copy of this notice has been furnished to the above-named tenant on 12/19/2016 by the following means: Hand Delivery.

Signature: Mary Alexander

Witness: Dwaine Hall

*moved out  
12/23/2016*



## City of Bunnell, Florida

### Agenda Item No. 7.

Document Date: 1/20/2017 Code Enforcement Case Number: 16-056  
Department: Community Development  
Subject: Case Number 16-056 City of Bunnell vs. Todd & Edith McCoy  
Address: 103 Deen Rd.  
Zoning: R-1, Single Family District  
Agenda Section: New Business

#### ATTACHMENTS:

Description	Type
Affidavit	Exhibit

#### Code Exerpts:

***Bunnell Code of Ordinance Sec. 70-1. - Removal of certain plants, weeds, trash and litter; duty of owner; service of notice.***

*It shall be the duty of every owner of land lying within the limits of the city to clear and destroy all weeds, palmetto, shrubbery, trash and other litter that may be on such land. If any owner of land within the city shall fail to do so, the city shall give notice personally where possible, or by certified mail return receipt in accordance with F.S. ch. 162 to such owner requiring him to comply with the requirements of this section, or such number of the requirements as may be necessary and appropriate in the particular case, within 30 days from the service of the notice. In the event the requirements of this section are not met within the 30-day period after service of the notice, the case will be referred to the code enforcement board for adjudication.*

#### Background:

This case was opened December 20, 2016. This is a repeat violation for this property.

The prior case for the same code violation was Case Number 16-031. This case was never brought before the Code Enforcement Board, but was monitored by the Code Enforcement Officer for 5 months before it was closed for compliance on July 11, 2016. This property also had similar violations for storing junk and debris in Case Number 15-028; however, a different section of the code of ordinance was cited in that case. Case Number 15-028 was brought before the Code Enforcement Board two times. The property was found non-compliant, but no fine was ever imposed. The Code Enforcement Board found the property to be compliant and closed that case on June 10, 2015.

The Notice of Violation (NOV) was sent to the property owner as identified on the Flagler County Property Appraiser website on December 29, 2016.

The Notice to Appear (NTA) for the February 8, 2017 Code Enforcement Board meeting was sent on January

10, 2017.

The property was posted for the February 8, 2017 Code Enforcement Board meeting on January 27, 2017.

There are no delinquent property taxes due for this property.

**Staff Recommendation:**

Find the property in Non-Compliance and impose a fine of \$50.00 per day until the property is brought into compliance.

**City Attorney Review:**

11-17-2017 02:56 PM  
INCIDENT #: 2545  
INCIDENT CODE: CE-TRASH & DEBRIS  
PROPERTY: 103 DEEN RD

INCIDENT NOTES REPORT

PAGE: 1  
ORIG. DATE: 12/29/2016

NOTES

-----  
Incident Notes:

16-056  
Violation: CoO Sec. 70-1. Removal of certain plants, weeds, trash and  
litter; duty of owner; service of notice.

REPEAT VIOLATION: Prior case for same code violation #16-031 Closed

7/11/16

Owner: Todd & Edith E Lynn McCoy

NOV:12/29/2016

NTA:1/10/2017 CB Hearing:2/8/2017 Outcome:

Task #: 4319 - VERIFY COMPLAINT - 12/29/2016

12/29/2016: Site visit showed large piles of litter and debris on the  
property. Based on the debris and company trucks parked on the property,  
the debris may be from the property owner's fencing company. Violation  
exists.

Note: It cannot be determined if a business is operating here. There is  
no active BTR at this location, but this is not being cited in this code  
case.

Task #: 4320 - 01-NOTICE OF VIOL - 1/10/2017

12/29/2016: The Notice of Violation (NOV) was sent to the owner of the  
property as identified on the property appraiser website by certified mail  
return receipt #7014 2120 0004 5714 2840.

Task #: 4321 - 02-NOTICE TO APPEAR - 1/10/2017

1/10/2017: The Notice to Appear (NTA) for the February 8, 2017 Code  
Enforcement Board meeting was sent to the owner of the property as  
identified on the property appraiser website by certified mail return  
receipt #7013 3020 0001 2839 4362.

Task #: 4337 - REINSPECTION - 1/10/2017

1/10/17: There has been little to no change in the condition of the  
property. This is a repeat violation for the same issue. Case will be  
placed on the next scheduled Code Enforcement Board meeting (2/8/17).  
Violations still exist on the property.

Task #: 4356 - CODE BOARD ACTION - 2/08/2017

Task #: 4373 - ONSITE VISIT - 1/27/2017

1/27/17: Property posted for the February 8, 2017 Code Enforcement Board  
meeting.

*1/27/17 Affidavit: K. Bates*