



city of PALM COAST

Office of the City Manager

160 Lake Avenue
Palm Coast, FL 32164
386-986-3710

Sent Certified and Regular Mail

May 6, 2021

Mark D. Phillips
Las Casitas Blvd
Palm Coast, FL 32137

Dear Mr. Phillips,

Attached please find a copy of the trespass warning, as amended, provided to you by the Flagler County Sheriff's Office. In addition to the trespass warning, in accordance with City of Palm Coast Code of Ordinances, Chapter 9, Trespassing, I am also attaching the Appeal Process Instructions.

Since you are receiving these instructions today, you will have until May 17, 2021 to file an appeal with the City Clerk.

Should you have any questions, please feel free to contact me at 386-986-3713.

Sincerely,

Virginia A. Smith, MMC/CP
City Clerk/Paralegal

Cc: William E. Reischmann, Jr. Esq., City Attorney
Matthew Morton, City Manager



please recycle

palmcoastgov.com



Incident Report

Flagler County Sheriff's Office
1001 Justice Ln
Bunnell, FL 32110
386-437-4116

Print Date/Time: 05/06/2021 07:51

Login ID: flagso\hartman

Flagler County Sheriff's Office

ORI Number: FL0180000

Incident: 2021-00041227

Incident Date/Time: 5/4/2021 8:47:00 PM
Location: 160 LAKE AV
Palm Coast FL 32164
Phone Number:
Report Required: Yes
Prior Hazards: No
LE Case Number: 2021 00041227

Incident Type: Trespassing
Venue: Palm Coast
Source: Phone
Priority: Code 1
Status: Investigate
Nature of Call:

Unit/Personnel

Unit	Personnel
TF18	727 Stogdon

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
1	Trespass Warning	Phillips, Mark David	LAS CASITAS BLVD Palm Coast FL 32137		WHITE	Male	10/28/1977

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
------	------	------	------	-------	-------	---------	-------

Disposition(s)

Disposition	Count
AT2	1
AT1	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
------	------	------	------	-------	-------------	---------	----------



901 E. Moody Blvd., Bunnell, FL 32110
(386) 437-4116



TRESPASS WARNING NOTIFICATION

☒ ADULT ☐ JUVENILE

DEPUTY ASSIGNED: DFC. B. Stogdon DATE: 5/4/21 CASE#: 21-41227
SERVED BY: Mart David Phillips RACE: W SEX: M DOB: 10/28/77 ON SCENE: Q N
ADDRESS: 56 Bristol Ln Palm Coast FL 32137 TELEPHONE: (386)
IS DULY WARNED TO STAY OFF THE PROPERTY AT: Palm Coast City Hall
160 Lake Ave. Palm Coast, FL 32164
BY PROPERTY CONTROLLER: DFC. B. Stogdon ON (DATE): 5/4/21 AT (TIME): 2043
SIGNATURE OF CONTROLLER: [Signature] 727
RACE: W SEX: M DOB: _____ TELEPHONE: (386) 313-4911

HE/SHE HAS BEEN ADVISED THAT, (F.S. 810.08 TRESPASS IN STRUCTURE OR CONVEYANCE) WHOEVER, WITHOUT BEING AUTHORIZED, LICENSED OR INVITED, WILLFULLY ENTERS OR REMAINS IN ANY STRUCTURE OR CONVEYANCE OR, HAVING BEEN AUTHORIZED, LICENSED OR INVITED, IS WARNED BY THE OWNER OR LESSEE OF THE PREMISES, OR BY A PERSON AUTHORIZED BY THE OWNER LESSEE, TO DEPART AND REFUSES TO DO SO COMMITS THE OFFENSE OF TRESPASS AND SHALL BE CHARGED WITH A MISDEMEANOR OF THE SECOND DEGREE, PUNISHABLE AS PROVIDED IN FLORIDA STATUTES 775.082, 775.083 OR 775.084.

HE/SHE HAS BEEN FURTHER ADVISED THAT WHOEVER TRESPASSES ON PROPERTY OTHER THAN A STRUCTURE OR CONVEYANCE (F.S. 810.09) SHALL BE CHARGED WITH A MISDEMEANOR OF THE FIRST DEGREE.

NARRATIVE OF CIRCUMSTANCES:

CITY MANAGER
At the request of Mayor Holland in reference to approaching
panel during city hall board/business meeting

DEPUTY SERVING NOTICE: [Signature] 727 PRINT: DFC. B. Stogdon

: DFC C. RAINES #704 PRINT: DFC C. RAINES

Page: 3 of 3

SERVED: 5/4/21 LOCATION: 160 Lake Ave. Palm Coast FL 32164

CITY OF PALM COAST
RIGHT TO APPEAL TRESPASS INSTRUCTIONS

You have been trespassed from a City facility. For your reference, you have the right to file an appeal. The steps to file an appeal of a trespass issued in accordance with Ordinance 2020-02, by either the City Manager, or designee, or the Flagler County Sheriff's office:

In accordance with Chapter 9 of the Code of Ordinances, Section 9-1(h) the process of how to file an appeal is:

Section 9-1 (h) Appeal of trespass warning. A person to whom a trespass warning is issued under this section shall have the right to appeal the issuance of the trespass warning as follows:

(1) An appeal of the trespass warning must be filed, in writing to the City Clerk, within ten days of the issuance of the warning, and shall include the Appellant's name, address and phone number, if any. No fee shall be charged for filing the appeal. The written appeal must be sent to the City Clerk at City Hall, 160 Lake Avenue, Palm Coast, FL 32164.

(2) Appeals shall be heard by a Special Magistrate with whom the City contracts to provide this service.

(3) Within seven days following the filing of the appeal, the Special Magistrate shall schedule a hearing. Notice of the hearing shall be provided to the Appellant in one of three ways:

a. By providing the Appellant a copy of the notice of hearing in person at the time he or she files the appeal. This shall be the preferred method of notice. When it is not possible to provide notice in this manner, the notice of the hearing will be provided in accordance with either paragraph (b) or (c) below.

b. By leaving or posting the notice at the front desk of City Hall; or

c. By telephone if a telephone number has been provided.

(4) The Special Magistrate shall hold the hearing as soon as possible. In no event shall the hearing be held later than 40 days from the filing of the appeal.

(5) Copies of documents in the City's control which are intended to be used at the hearing, and which directly relate to the issuance of the trespass warning to the Appellant, shall be made available upon request to the Appellant at no cost.

(6) The Appellant shall have the right to attend with an attorney, the right to testify, and to call witnesses and present evidence. The Appellant shall have the right to bring a court reporter, at his or her own expense.

(7) The Special Magistrate shall consider the testimony, reports or other documentary evidence, and any other evidence presented at the hearing. Formal rules of evidence shall not apply, but fundamental due process shall govern the proceedings.

(8) The City shall bear the burden of proof by clear and convincing evidence that the trespass warning was properly issued pursuant to the criteria of Section 9-1.

(9) If the Appellant fails to attend a scheduled hearing, the Special Magistrate shall review the evidence presented and determine if the trespass warning was properly issued pursuant to the criteria of this section.

(10) Within five days of the hearing, the Special Magistrate shall issue a written decision on the appeal which shall be mailed to the Appellant at the address provided.

(11) The decision of the Special Magistrate shall be final and the Appellant shall be deemed to have exhausted all administrative remedies. Such decision may be subject to judicial review in the manner provided by law.

(12) The trespass warning shall remain in effect during the appeal and review process, including any judicial review.



city of PALM COAST

Office of the City Manager

160 Lake Avenue
Palm Coast, FL 32164
386-986-3710


TRESPASS STATEMENT FROM MAY 4, 2021 CITY COUNCIL BUSINESS MEETING

At the May 4, 2021, City Council Business Meeting, held at City Hall, 160 Lake Avenue, Palm Coast, a member of the audience known as Mark D. Philips was continuously disrupting the meeting. Mr. Phillips did not adhere to posted and announced rules of procedures in regards to meeting attendance and decorum.

At or about 8:30 pm, Mr. Phillips approached the dais in a menacing manner. He was attempting without authority to confront the Mayor during the ongoing conduct of the business of the City Council meeting. The Mayor had specifically spoke to and requested Mr. Philips not approach and to move away. Despite the warnings from the Mayor, Mr. Philips appeared to continue towards the Mayor but for the involvement of Commander Reynolds. He was instructed several times by Commander Reynolds to leave and ignored his commands. Upon approach of the second deputy, Mr. Phillips was escorted out of the Council Chambers at City Hall.

I left the dais, located Commander Reynolds and requested Mr. Phillips to be trespassed from City property.

Witness:


Signature

Matthew Morton, City Manager


Signature and date



please recycle

palmcoastgov.com