

CODE ENFORCEMENT BOARD
Wednesday, August 3, 2022 at 10:00 a.m.
Intracoastal Room
Palm Coast City Hall
160 Lake Avenue, Palm Coast, Florida

BOARD MEMBERS PRESENT: Gennaro Arcamone, Norman Mugford, Larry Pulos, Dean Roberts, Vincent Sullivan, Andrew Dodzik, Geraldine Wright

BOARD COUNSEL PRESENT: J. Giffin Chumley

STAFF MEMBERS PRESENT: Code Enforcement Manager Grossman, Code Compliance Supervisor Mendez, Code Enforcement Officers, Lott, MacDonald, Nunez, Paterno, Reilly, Risch, Romeo, and Shelley, Code Enforcement Clerk Filipe, City Counsel Jennifer Nix

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 July 6, 2022 Meeting Minutes

The Minutes were unanimously approved.

D. Disclosure of Ex-Parte Communications.

None.

E. Swearing in of Respondents and Staff

The respondents and staff who were present were sworn in by J. Giffin Chumley, Counsel for the Code Board.

F. Withdrawn Cases

AI #3 CASE #2022031450 – 8 Louisville Drive
AI #8 CASE #2022020898 – 28 Ballenger Lane
AI #11 CASE #2022050309 – 71 Wheatfield Drive
AI #13 CASE #2022040709 – 18 Radford Lane
AI #14 CASE #2022021019 – 8 Regent Lane
AI #15 CASE #2022010435 – 35 Reybury Lane
AI #20 CASE #2022050233 – 3 Edmond Place
AI #38 CASE #2022041451 – 42 Patric Drive
AI #39 CASE #2022041449 – 13 Patton Place
AI #43 CASE #2022040875 – 30 Farmsworth Drive
AI #46 CASE #2022041518 – 51 Forest Hill Drive
AI #48 CASE #2022040792 – 18 Freneau Lane

G. Continued Cases:

AI #12 CASE #2022050081 – 58 Wheeling Lane
AI #18 CASE #2022030585 – 1 Eastwick Place

1. AI# 19

CASE NO. 2022050729 RECURRING (5) JP

City of Palm Coast vs. Chepelkin Andrey & Yelizaveta Horton

41 Ebb Tide Drive

(Palm Coast Code Section 44-34(c) Parking of Commercial Veh./ Trailer In Residential District)

Code Enforcement Officer Paterno presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Paterno testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs. Chepelkin Andrey, Respondent, presented his side.

Mr. Dodzik moved to find in this case that Respondent was in violation of City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation was corrected; that the violation recurred; that any violation of the same Code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State Law for which a fine of up to \$5,000.00 per day may be imposed. Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Roberts seconded the motion.

Roll was called:

Mr. Sullivan – Yes

Ms. Wright – Yes

Mr. Pulos – Yes

Mr. Dodzik – Yes

Mr. Mugford - Yes

Mr. Roberts - Yes

Mr. Arcamone - Yes

Motion unanimously carried.

2. AI# 1

CASE NO. 2022050514 BMD

City of Palm Coast vs. Harry C Jr & Kathy E Schlesier

12 Birchbark Lane

(Palm Coast Code Section 44-34(c) Parking of Commercial Veh./ Trailer In Residential District)

Code Enforcement Officer MacDonald presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer MacDonald testified the property is in compliance. Staff recommends a No Fine Standing Order and Administrative Costs. Edward Schlesier, 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 Office; 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. Arcamone seconded the motion.

Roll was called:

Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes

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

Motion unanimously carried.

3. AI# 27

CASE NO. 2022010585 RECURRING (1) AN

City of Palm Coast vs. Stepan Stadnyk & Olena Bedenok

32 Plateau Lane (A)

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

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. Nancy Leight, property manager for Respondent, presented her side.

Mr. Arcamone 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. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes

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

Motion unanimously carried.

4. AI# 25

CASE NO. 2022040803 AN

City of Palm Coast vs. Anatoliy Bystrov & Nadezhda Bystrova

58 Pine Haven Drive (A)

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

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 and Administrative Costs. Anatoliy Bystrov, 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 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. Sullivan seconded the motion.

Roll was called:

**Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes**

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

Motion unanimously carried.

5. AI# 22

CASE NO. 2022050329 RECURRING (4) JP

City of Palm Coast vs. Viacheslav & Marina Kinsha

36 Elias Lane

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

Code Enforcement Officer Paterno presented case history, paperwork and photos into evidence. The evidence was shown to the Respondent. Officer Paterno testified the property is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation and Administrative Costs. Viacheslav Kinsha and daughter, who interpreted for the Respondent, presented their side.

Mr. Dodzik moved to find in this case that Respondent was in violation of City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation was corrected; that the violation recurred; that any violation of the same Code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State Law for which a fine of up to \$5,000.00 per day may be imposed. Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Roberts seconded the motion.

Roll was called:

**Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes**

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

Motion unanimously carried.

6. AI# 2*

CASE NO. 2022041577 RECURRING (1) BMD

City of Palm Coast vs. Philip Mangey

10 Birchview Place

(Palm Coast Code Section 44-34(c) Parking of Commercial Veh./ Trailer In Residential District)

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. Dodzik moved to find in this case that Respondent was in violation of City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation was corrected; that the violation recurred; that any violation of the same Code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State Law for which a fine of up to \$5,000.00 per day may be imposed. Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Roberts seconded the motion.

Roll was called:

Mr. Sullivan – Yes

Ms. Wright – Yes

Mr. Pulos – Yes

Mr. Dodzik – Yes

Mr. Mugford - Yes

Mr. Roberts - Yes

Mr. Arcamone - Yes

Motion unanimously carried.

7. AI# 4

CASE NO. 2022050542 RECURRING RL

City of Palm Coast vs. Cory & Sibahan Sanders

88 Colechester Lane

(Palm Coast Code Section 44-34(c) Parking of Commercial Veh./ Trailer In Residential District)

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

Mr. Roberts moved to find in this case that Respondent is in violation of City Code as charged; that Respondent correct the violation no later than one (1) day after this Order is entered in writing; that, in the event the Respondent does not comply with the Order, a fine in the amount of \$50.00 will be imposed for each and every day the violation continues past the aforesated date; that Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with this Order. Respondent shall pay Administrative Costs to the City in the amount of \$69.00. Mr. Pulos seconded the motion.

Roll was called:

Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes

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

Motion unanimously carried.

8. AI# 5

CASE NO. 2022030436

RL

City of Palm Coast vs. Joseph N. Nemec & Luis Oscar & Amanda Montalvo

39 Cooper Lane

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

Code Enforcement Officer Lott presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Lott 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. Sullivan seconded the motion.

Roll was called:

Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes

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

Motion unanimously carried.

9. AI# 6

CASE NO. 2022040826

RL

City of Palm Coast vs. Virgilio & Rose Pereira

214 Coral Reef Court North

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

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

Mr. Roberts moved to find in this case that Respondent is in violation of City Code as charged; that Respondent correct the violation no later than one (1) day after this Order is entered in writing; that, in the event 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. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes**

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

Motion unanimously carried.

10. AI# 7

CASE NO. 2022040827 RECURRING (1) RL

City of Palm Coast vs. Virgilio & Rose Pereira

214 Coral Reef Court North

(Palm Coast Code Section 44-34(c) Parking of Commercial Veh./ Trailer In Residential District)

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

Mr. Sullivan 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. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes**

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

Motion unanimously carried.

11. AI# 9

CASE NO. 2022011109 MASSEY CR

City of Palm Coast vs. Dylan Patrick Reilly

67 Beechwood Lane

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

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 May 16, 2022 to August 2, 2022, totaling \$3,950.00; 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. Arcamone seconded the motion.

Roll was called:

**Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes**

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

Motion unanimously carried.

12. AI# 10

CASE NO. 2022011110 MASSEY CR
City of Palm Coast vs. Dylan Patrick Reilly
67 Beechwood Lane
(Palm Coast Code Section 15-108(h) Unlicensed Vehicle)

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 May 16, 2022 to August 2, 2022, totaling \$3,950.00; 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. Sullivan seconded the motion.

Roll was called:

Mr. Sullivan – Yes

Mr. Mugford - Yes

Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes

Mr. Roberts - Yes
Mr. Arcamone - Yes

Motion unanimously carried.

13. AI# 16

CASE NO. 2022041068 RECURRING (3) DR
City of Palm Coast vs. John F Brush & Claire May
5 Roxanne Place
(Palm Coast Code Section 15-108(h) Inoperable Vehicle)

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

Mr. Sullivan moved to find in this case that Respondent is in violation of City Code as charged; that Respondent correct the violation no later than three (3) days after this Order is entered in writing; that, in the event 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. Roberts seconded the motion.

Roll was called:

Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes

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

Motion unanimously carried.

14. AI# 17

CASE NO. 2022041393 REPEAT (1) DR
City of Palm Coast vs. Mary W Lavigne
4 Rybark Lane
(Palm Coast Code Section 44-34(f) Improper Parking)

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

Mr. Sullivan 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 April 22, 2022; that a \$50.00

per day fine is imposed for the period of non-compliance on April 21, 2022; totaling \$50.00. Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Roberts seconded the motion.

Roll was called:

Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes

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

Motion unanimously carried.

15. AI# 21

CASE NO. 2021081730 MASSEY JP
City of Palm Coast vs. Armor S Moraes Life Estate
47 Elder Drive
(Palm Coast Code Section 15-1(FBC[A]105.1) No Permit)

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

Mr. Dodzik moved to find in this case that Respondent was in violation of City Code as charged; that Respondent failed to correct the violation by the time specified for correction by the Code Enforcement Board in the Board’s Order entered into evidence in this case; that Respondent brought the property into compliance on July 26, 2022; that a \$50.00 per day fine is imposed for the period of non-compliance from December 16, 2021 to July 26, 2022 totaling \$11,200.00. Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Roberts seconded the motion.

Roll was called:

Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes

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

Motion unanimously carried.

16. AI# 23

CASE NO. 2022050737 REPEAT (3) JP
City of Palm Coast vs. Lydia Q Mas & Elana Rush
92 Kalamazoo Trail
(Palm Coast Code Section 44-34(f) Improper Parking)

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

Mr. Roberts moved to find in this case that Respondent was in repeat violation of City Code as charged based on the Board’s prior Order entered against the same Respondent for the same violation; that Respondent brought the property into compliance on May 12, 2022; that a \$250.00 per day fine is imposed for the period of non-compliance on May 11, 2022; totaling \$250.00 Respondent shall pay Administrative Costs to the City in the amount of \$70.50. Mr. Dodzik seconded the motion.

Roll was called:

**Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes**

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

Motion unanimously carried.

17. AI# 24

CASE NO. 2022020215 REPEAT (1) AN
City of Palm Coast vs. Robin R Banks
26 Felter Lane
(Palm Coast Code Section 44-33(b) Parking in Swale Between 1 AM & 6 AM)

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

Mr. Roberts moved to find in this case that Respondent was in 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 February 11, 2022; that a \$100.00 per day fine is imposed for the period of non-compliance on February 4, 2022; totaling \$100.00. Respondent shall pay Administrative Costs to the City in the amount of \$69.50. Mr. Arcamone seconded the motion.

Roll was called:

**Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes**

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

Motion unanimously carried.

18. AI# 26

CASE NO. 2022010584

AN

City of Palm Coast vs. Angelika Almeida & Fatima Sena

10 Plateau Lane (A)

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

Code Enforcement Officer Nunez presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Nunez testified the property is in compliance. Staff recommends a 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. Sullivan seconded the motion.

Roll was called:

Mr. Sullivan – Yes

Ms. Wright – Yes

Mr. Pulos – Yes

Mr. Dodzik – Yes

Mr. Mugford - Yes

Mr. Roberts - Yes

Mr. Arcamone - Yes

Motion unanimously carried.

19. AI# 28

CASE NO. 2022010748 REPEAT (7) AN

City of Palm Coast vs. Joseph G & Christal Casanova

53 Seattle Trail

(Palm Coast Code Section 44-34(c) Parking of Commercial Veh./ Trailer In Residential District)

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

Mr. Dodzik 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 January 26, 2022; that a \$650.00 per day fine is imposed for the period of non-compliance on January 19, 2022; totaling \$650.00. Respondent shall pay Administrative Costs to the City in the amount of \$71.50. Mr. Roberts seconded the motion.

Roll was called:

Mr. Sullivan – Yes

Ms. Wright – Yes

Mr. Mugford - Yes

Mr. Roberts - Yes

Mr. Pulos – Yes
Mr. Dodzik – Yes

Mr. Arcamone - Yes

Motion unanimously carried.

20. AI# 29

CASE NO. 2022010749 REPEAT (5) AN
City of Palm Coast vs. Joseph G & Christal Casanova
53 Seattle Trail
(Palm Coast Code Section 44-34(i) Parking in Median)

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

Mr. Dodzik 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 January 26, 2022; that a \$1,050.00 per day fine is imposed for the period of non-compliance on January 19, 2022; totaling \$1,050.00. Respondent shall pay Administrative Costs to the City in the amount of \$72.50. Mr. Roberts seconded the motion.

Roll was called:

Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes

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

Motion unanimously carried.

21. AI# 30

CASE NO. 2022020555 RECURRING (2) AN
City of Palm Coast vs. Lillian Hernandez
68 Secretary Trail
(Palm Coast Code Section 44-34(f) Improper Parking)

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

Mr. Sullivan 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. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes**

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

Motion unanimously carried.

22. AI# 31

CASE NO. 2022020426 RECURRING (1) AN

City of Palm Coast vs. Us Bank Trust c/o Resicap

64 Smith Trail

(Palm Coast Code Section 44-34(d)(1) Parking Boat/ Trailer/ RV)

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

Mr. Sullivan 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. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes**

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

Motion unanimously carried.

23. AI# 32

CASE NO. 2022020559 REPEAT (2) AN

City of Palm Coast vs. Toni Spencer

8 Squirrel Place

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

Code Enforcement Officer Nunez presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Nunez testified the property 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 August 2, 2022; that a \$100.00 per day fine is imposed for the period of non-compliance from February 9, 2022 to August 2, 2022; totaling \$17,500.00; 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. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes**

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

Motion unanimously carried.

24. AI# 33

CASE NO. 2022020021

AN

City of Palm Coast vs. Angela Antoinette Williams

21 Ullman Court

(Palm Coast Code Section 44-34(d)(1) Parking Boat/ Trailer/ RV)

Code Enforcement Officer Nunez presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Nunez testified the property is in compliance. Staff recommends a 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. Sullivan seconded the motion.

Roll was called:

**Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes**

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

Motion unanimously carried.

*

25. AI# 34

CASE NO. 2022050840

AN

City of Palm Coast vs. Clifford Loren Arrington Jr.

159 Ulysses Trail

(Land Development Code 4.01.08 Swimming Pools - Fencing Requirements)

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

Mr. Roberts moved to find in this case that Respondent is in violation of City Code as charged; that Respondent correct the violation no later than one (1) day after this Order is entered in writing; that, in the event Respondent does not comply with the Order a fine in the amount of \$250.00 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. Sullivan – Yes

Ms. Wright – Yes

Mr. Pulos – Yes

Mr. Dodzik – Yes

Mr. Mugford - Yes

Mr. Roberts - Yes

Mr. Arcamone - Yes

Motion unanimously carried.

26. AI# 35

CASE NO. 2022011172 RECURRING (4) AN

City of Palm Coast vs. Jessica Lynn Laks

23 Westridge Lane

(Palm Coast Code Section 44-34(c) Parking of Commercial Veh./ Trailer In Residential District)

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

Mr. Sullivan 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. Arcamone seconded the motion.

Roll was called:

Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes

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

Motion unanimously carried.

27. AI# 36

CASE NO. 2022011174 REPEAT (2) AN

City of Palm Coast vs. Jessica Lynn Laks

23 Westridge Lane

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

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

Mr. Dodzik 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 February 4, 2022; that a \$100.00 per day fine is imposed for the period of non-compliance on January 20, 2022; totaling \$100.00. Respondent shall pay Administrative Costs to the City in the amount of \$70.00. Mr. Roberts seconded the motion.

Roll was called:

Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes

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

Motion unanimously carried.

28. AI# 37

CASE NO. 2022041611 REPEAT (3) BR

City of Palm Coast vs. Robert M & Eileen R Logue

364 Parkview 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 the property is in compliance. Staff recommends a fine for the period of non-compliance and Administrative Costs.

Mr. Roberts moved to find in this case that Respondent was in repeat violation of City Code as charged based on the Board’s prior Order entered against the same Respondent for the same violation; that Respondent brought the property into compliance on July 2, 2022; that a \$250.00 per day fine is imposed for the period of non-compliance from April 26, 2022 to July 1, 2022; totaling \$16,750.00. Respondent shall pay Administrative Costs to the City in the amount of \$70.50. Mr. Sullivan seconded the motion.

Roll was called:

**Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes**

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

Motion unanimously carried.

29. AI# 40

CASE NO. 2022041807 RECURRING (4) BR
City of Palm Coast vs. Fortunato C Pedro Trustee
33 Pine Haven Drive (B)
(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. 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. Sullivan seconded the motion.

Roll was called:

**Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes**

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

Motion unanimously carried.

30. AI# 41

CASE NO. 2022031281 RECURRING (1) BR
City of Palm Coast vs. Rebecca Fries & Linda Yushko

7 Prince Kaarel Lane

(Palm Coast Code Section 44-34(c) Parking of Commercial Veh./ Trailer In Residential District)

Code Enforcement Officer Romeo presented case history, paperwork and photos into evidence. The Respondent was not present. Officer Romeo testified the property is in compliance. Staff recommends a 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. Arcamone seconded the motion.

Roll was called:

**Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes**

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

Motion unanimously carried.

31. AI# 42

CASE NO. 2022020708 MASSEY BS

City of Palm Coast vs. Steven & Courtney Taylor & Rosanne Taylor

14 Farmbrook Lane

(Palm Coast Code Section 44-34(d)(1) Parking Boat/ Trailer/ RV)

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. Sullivan 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 May 13, 2022 to August 2, 2022; totaling \$4,100.00 and that a \$50.00 per day fine 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. Sullivan – Yes

Mr. Mugford - Yes

Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes

Mr. Roberts - Yes
Mr. Arcamone - Yes

Motion unanimously carried.

32. AI# 44

CASE NO. 2022050032 RECURRING (6) BS
City of Palm Coast vs. Adaphne Leroy Trustee
14 Federal Lane
(Palm Coast Code Section 15-108(d) Weeds/Overgrowth)

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

Mr. Roberts moved to find in this case that Respondent was in violation of City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation was corrected; that the violation recurred; that any violation of the same Code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State Law for which a fine of up to \$5,000.00 per day may be imposed. Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Sullivan seconded the motion.

Roll was called:

Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes

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

Motion unanimously carried.

33. AI# 45

CASE NO. 2022050724 BS
City of Palm Coast vs. Elizabeth L Jacob
44 Flamingo Drive
(Palm Coast Code Section 44-34(c) Parking of Commercial 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 the property remains in violation. Staff recommends a Fine – Violation Order and Administrative Costs.

Mr. Roberts oved 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 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. Sullivan seconded the motion.

Roll was called:

Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes

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

Motion unanimously carried.

34. AI# 47

CASE NO. 2022041852 RECURRING (5) BS
City of Palm Coast vs. Conor & Rachel Bertha
111 Fort Caroline 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 the property is in compliance. Staff recommends a No Fine Standing Order – Recurring Violation and Administrative Costs.

Mr. Dodzik moved to find in this case that Respondent was in violation of City Code as charged and failed to correct the violation by the time specified for correction by the Code Enforcement Officer; that the violation was corrected; that the violation recurred; that any violation of the same Code by Respondent within five (5) years of the date of the Order shall be treated as a repeat violation as defined by State Law for which a fine of up to \$5,000.00 per day may be imposed. Respondent shall pay Administrative Costs to the City in the amount of \$53.50. Mr. Roberts seconded the motion.

Roll was called:

Mr. Sullivan – Yes
Ms. Wright – Yes
Mr. Pulos – Yes
Mr. Dodzik – Yes

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

Motion unanimously carried.

OLD BUSINESS:

None to report.

NEW BUSINESS:

Mr. Sullivan requested for staff to clarify the definition of commercial vehicles, as written in City code. Mr. Mugford inquired as to whether code staff could enforce property owners, whose fences are covered with mold. Code Manager Grossman indicated owners could be enforced under the attractive nuisance code, however, due to the number of fences on properties throughout the City, at this time, staff would address on a complaint driven basis.

Mr. Mugford stated for cases brought before the Board, he takes it as an affront, when some of the violators' state they will not remedy violations, as ordered. Mrs. Grossman explained there are processes in place regarding the type of enforcement action staff is able to take on properties. She further indicated there is a lot involved in taking real and personal property, which would necessitate obtaining a court order. Board Attorney Chumley advised unless there is an emergency or exigent circumstances that warrants the need for the City to abate a nuisance, the tools at the Code Enforcement level are imperfect and limits what staff can do to resolve certain types of violations. He also informed the Board it is not permissible for the City to go on to privately owned property to remove personal property, without a court order issued by the Circuit Court. Mr. Mugford expressed concern regarding the City's inability to resolve certain issues, when citizens defy the codes. Mrs. Grossman stated this is why there is due process with cases being brought before the Code Board, who can impose fines resulting in liens being placed on properties. Mr. Chumley reminded the Board that fines will continue to run. However, if the property is homesteaded, there may not be any urgency on the part of the property owner to comply, unless some life changing event takes place.

Mr. Sullivan inquired about where the City falls in the order of priority in terms being able to collect on code liens. Mr. Chumley explained some years ago there were a number of Cities that gave super priority to code liens, however, the Courts of the State decided this is pre-empted by the Record Notice Statute, which standardizes code liens. Mr. Sullivan explained to the Board his thought process was the City could potentially foreclose on a lien to take ownership of the property, subject to any outstanding mortgages or unpaid property tax charges that would take priority. He stated given the circumstances it may not be beneficial to foreclose on properties. Mr. Chumley agreed and advised it is a rarity to foreclose on code enforcement liens, particularly as in most cases, there are outstanding charges tied to the property that take precedence.

ANNOUNCEMENT OF NEXT MEETING:

The next meeting of the Code Enforcement Board will be held on September 7, 2022 at 10:00 am.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:42 a.m.

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 Human Resources, 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.