

**CODE ENFORCEMENT BOARD
MEETING
SEPTEMBER 25, 2019**

MEMBERS PRESENT: John Chalifoux, Chairman
Henry Bauman, Nora Giardina,
Timothy Heggan, Carol Perry,
Paul Sacilotto, Edward Weiner

OTHERS PRESENT: City Attorney David Levin
Lisa Hannon, Zoning Official
David McCarty, Code Compliance Supervisor
Lavosia Price, Code Compliance Officer
Allen McDaniel, Code Compliance Officer
Nick Falkner, Code Compliance Officer
Jennifer Daumann, Executive Assistant
Ronald Neff

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
- 1. October 23, 2019

APPROVAL OF MINUTES

- A. August 28, 2019
- Mr. Weiner MOVED, Mr. Bauman SECONDED approval of the August 28, 2019, minutes.
MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

Recording Secretary Pues swore in all participants.

- A. 19-72406 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.
Respondent: Tidewater Virginia Holding, LLC
Address of Violation: 93 Colony Point Drive
Violation of Chapter 9, Section 9-12 (e) Maintenance of Seawalls Violation of Chapter 9,
Section 9-2 (g) Danger Blight Violation of Chapter 6, Section 6-7 (d) Maintenance of
Seawalls Violation of Chapter 26, Section 8.13 (a) Seawall in Disrepair
- Mr. Lavosia Price, Code Compliance Officer, displayed several photographs of the subject
property, located within City limits, stating a May 7, 2019, inspection found holes in the
ground near the seawall, along with areas of broken seawall cap. He reviewed the City's
efforts to bring the property into compliance, noting inspections on June 17, 2019,
August 8, 2019, and September 24, 2019, found the violations continued to exist. He
submitted an invoice for case costs incurred in the amount of \$24.97.

- Mr. Bauman MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Ronald Neff, respondent, entered a plea of not guilty. He confirmed he did not reside in Florida, stating he had prior engagements that needed his attention. He stated J&E Contractors Inc. (J&E) refused to repair the seawalls during the rainy season. He then questioned why his property had become an issue.
- Mr. Price responded the violations had become a safety concern for the City lot mowers.
- Mr. Neff reiterated J&E could not inspect the seawalls until January 2020.
- Mr. Chalifoux inquired whether Mr. Neff had documentation confirming J&E's given timeframe for inspection.
- Mr. Neff replied affirmatively, then noting he was informed by J&E that contractors had 30 days after a permit was issued to complete repairs.
- Mr. Price clarified contractors had six months to make repairs from the date of the permit.
- Discussion ensued regarding Mr. Neff's incorrect mailing address on the property appraiser's website.
- Mr. Neff stated he would need no more than 30 days to apply for a building permit, opining many contractors were behind schedule.
- Mr. Sacilotto MOVED, Mr. Bauman SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations, to order the property owner submit for building permit within 10 days and bring the property into compliance within 180 days, and to require payment of case costs incurred in the amount of \$24.97 within 10 days, subject to a fine of \$250 per day plus applicable interest.
- VOTING AYE: Chalifoux, Bauman, Giardina, Heggan, Perry, Sacilotto.
- VOTING NAY: Weiner.
- MOTION CARRIED.

B. 19-72415 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.

Respondent: Matthew Protz

Address of Violation: 119 Colony Point Drive

Violation of Chapter 9, Section 9-12 (e) Maintenance of Seawalls Violation of Chapter 9, Section 9-2 (g) Danger Blight Violation of Chapter 6, Section 6-7 (d) Maintenance of Seawalls

- Mr. Chalifoux entered a plea of not guilty on behalf of the absent respondent.
- Mr. Price displayed several photographs of the subject property, located within City limits, stating a June 17, 2019, inspection found areas of broken seawall cap. He reviewed the City's efforts to bring the property into compliance, noting inspections on

August 12, 2019, and September 24, 2019, found the violations continued to exist. He submitted an invoice for case costs incurred in the amount of \$18.11.

- Mr. Bauman MOVED, Mr. Heggan SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Price confirmed the respondent had been waiting for J&E to obtain a permit.
- Mr. Brennan expressed concerns regarding the safety of the property, particularly relating to the violation of danger blight.
- Ms. Giardina MOVED, Mr. Sacilotto SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations, to order the property owner submit for building permit within 10 days and bring the property into compliance within 180 days and to require payment of case costs incurred in the amount of \$18.11 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

C. 19-72420 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.

Respondent: Tidewater Virginia Holding, LLC

Address of Violation: 149 Colony Point Drive

Violation of Chapter 26, Section 8.11 (e) 2, 3 Maintenance – Dead Tree

Violation of Chapter 9, Section 9-12 (e) Maintenance of Seawalls Violation of Chapter 9,

Section 9-2 (g) Danger Blight Violation of Chapter 6, Section 6-7 (d) Maintenance of

- Mr. Ronald Neff, respondent, entered a plea of not guilty.
- Mr. Price displayed several photographs of the subject property, located within City limits, stating a June 17, 2019, inspection found tree stumps and areas of exposed soil near the seawall along with areas of broken seawall cap. He reviewed the City's efforts to bring the property into compliance, noting an inspection on August 8, 2019, found the violations continued to exist. He stated an inspection on September 24, 2019, found the areas of exposed soil had been covered; however, the additional violations remained. He submitted an invoice for case costs incurred in the amount of \$24.97.
- Mr. Heggan MOVED, Mr. Bauman SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Neff reiterated his previous explanation for noncompliance.
- Mr. Sacilotto MOVED, Mr. Heggan SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations, to order the property owner submit for building permit within 10 days and bring the property into compliance within 180 days and to require payment of case costs incurred in the amount of \$24.97 within 10 days, subject to a fine of \$250 per day plus applicable interest.
- VOTING AYE: Chalifoux, Bauman, Giardina, Heggan, Perry, Sacilotto.

- VOTING NAY: Weiner.
- MOTION CARRIED.

NOTE: Case #19- 72421 heard following Case #19- 72425.

D. 19-72421 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.

Respondent: Jeffrey F. Joffe

Address of Violation: 155 Colony Point Drive

Violation of Chapter 6, Section 6-7 (d) Maintenance of Seawalls Violation of Chapter 9, Section 9-12 (e) Maintenance of Seawalls Violation of Chapter 9, Section 9-2 (g) Danger Blight Violation of Chapter 26, Section 8.13 (a) Seawall in Disrepair

- Mr. Chalifoux entered a plea of not guilty on behalf of the absent respondent.
- Mr. Price displayed several photographs of the subject property, located within City limits, stating a July 18, 2019, inspection found areas of broken seawall cap, along with holes in the ground near the seawall. He reviewed the City’s efforts to bring the property into compliance, noting inspections on August 23, 2019, and September 24, 2019, found the violations continued to exist. He submitted an invoice for case costs incurred in the amount of \$12.15.
- Mr. Bauman MOVED, Mr. Heggan SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Discussion ensued regarding whether absent respondents should be granted the same leniency as those who were in attendance.
- City Attorney David Levin advised decisions to do so were at the Board’s discretion.
- Mr. Price stated the respondent indicated he had a contract with Charlotte County Seawalls, Inc.; however, a permit had not yet been obtained.
- Ms. Perry confirmed no explanation was given as to why the respondent was not present.
- Mr. Bauman MOVED, Mr. Heggan SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations, to order the property owner submit for building permit within 10 days and bring the property into compliance within 180 days, and to require payment of case costs incurred in the amount of \$12.15 within 10 days, subject to a fine of \$250 per day plus applicable interest.
- VOTING AYE: Chalifoux, Bauman, Giardina, Heggan, Sacilotto.
- VOTING NAY: Perry, Weiner.
- MOTION CARRIED.

E. 19-72422 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.

Respondent: Jeffrey F. Joffe & Scott S. Joffe

Address of Violation: 159 Colony Point Drive

Violation of Chapter 6, Section 6-7 (d) Maintenance of Seawalls Violation of Chapter 9, Section 9-12 (e) Maintenance of Seawalls Violation of Chapter 9, Section 9-2 (g) Danger Blight Violation of Chapter 26, Section 8.13 (a) Seawall in Disrepair

- Mr. Chalifoux entered a plea of not guilty on behalf of the absent respondent.
- Mr. Price displayed several photographs of the subject property, located within City limits, stating a July 18, 2019, inspection found areas of broken seawall cap and holes in the ground near the seawall. He reviewed the City's efforts to bring the property into compliance, noting inspections on August 23, 2019, and September 24, 2019, found the violations continued to exist. He submitted an invoice for case costs incurred in the amount of \$12.15.
- Mr. Sacilotto MOVED, Mr. Heggan SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Heggan MOVED, Mr. Bauman SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations, to order the property owner submit for building permit within 10 days and the property be brought into compliance within 180 days, and to require payment of case costs incurred in the amount of \$12.15 within 10 days, subject to a fine of \$250 per day plus applicable interest.
- VOTING AYE: Chalifoux, Bauman, Giardina, Heggan, Sacilotto.
- VOTING NAY: Perry, Weiner.
- MOTION CARRIED.

F. 19-72425 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.

Respondent: Tidewater Virginia Holding, LLC

Address of Violation: 169 Colony Point Drive

Violation of Chapter 9, Section 9-12 (e) Maintenance of Seawalls Violation of Chapter 9, Section 9-2 (g) Danger Blight Violation of Chapter 6, Section 6-7 (d) Maintenance of Seawalls Violation of Chapter 26, Section 8.13 (a) Seawall in Disrepair

- Mr. Ronald Neff, respondent, entered a plea of not guilty.
- Mr. Price displayed several photographs of the subject property, located within City limits, stating a May 7, 2019, inspection found holes in the ground near the seawall, along with areas of broken seawall cap. He reviewed the City's efforts to bring the property into compliance, noting inspections on June 17, 2019, August 8, 2019, and September 24, 2019, found the violations continued to exist. He submitted an invoice for case costs incurred in the amount of \$24.97.
- Mr. Bauman MOVED, Mr. Heggan SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.

- Ms. Giardina MOVED, Mr. Heggan SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations, to order the property owner submit for building permit within 10 days and bring the property into compliance within 180 days, and to require payment of case costs incurred in the amount of \$24.97 within 10 days, subject to a fine of \$250 per day plus applicable interest.
 - VOTING AYE: Chalifoux, Bauman, Giardina, Heggan, Perry, Sacilotto.
 - VOTING NAY: Weiner.
 - MOTION CARRIED.
 - City Attorney Levin requested the respondent give his correct mailing address as staff would verify whether a building permit had been submitted for within the allotted time.
- G. 19-73289 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL
- Respondent: Barbara A. McCollom, Deceased
& Beth McCollom, L/E, Deceased
Personal Representative: Thomas McCollom
Address of Violation: 56 Ocean Drive
- Violation of Chapter 9, Section 9-2 (h) Tall Grass and/or Weeds Violation of Chapter 9, Section 9-2 (a) and; Violation of Chapter 26, Section 8.14 (b) Outdoor Storage
- Mr. Chalifoux entered a plea of not guilty on behalf of the absent respondent.
 - Mr. Allen McDaniel, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, stating a July 17, 2019, inspection found tall grass and/or weeds throughout the property and outdoor storage on the right side of the property. He reviewed the City's efforts to bring the property into compliance, noting an inspection on August 12, 2019 found the violations continued to exist; however, an inspection on September 24, 2019, found the property was in compliance. He requested a Cease and Desist Order for future violations and submitted an invoice for case costs incurred in the amount of \$33.57.
 - Mr. Heggan MOVED, Ms. Giardina SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. McDaniel stated Mr. Thomas McCollom, respondent's representative, indicated he had difficulty obtaining authorization over the property which had caused delays with bringing the property into compliance. He then stated Mr. McCollom had indicated he hired a contractor to maintain the property, noting staff would continue to monitor the property.

- Mr. Bauman MOVED, Ms. Giardina SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require payment of case costs incurred in the amount of \$33.57 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.
- H. 19-72782 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL
- Respondents: Lynda A. Schortz & Joseph R. Schortz, Trs.
- Address of Violation: 3977 La Costa Island Court
- Violation of Chapter 26, Section 8.11 (a) Maintenance – Roof
- Mr. Chalifoux entered a plea of not guilty on behalf of the absent respondent.
 - Mr. McDaniel displayed several photographs of the subject property, located within City limits, stating a July 8, 2019, inspection found more than 20% of the roof not maintained to be free from dirt and/or mold. He reviewed the City’s efforts to bring the property into compliance, noting inspections on August 12, 2019, and September 24, 2019, found the violation continued to exist. He then submitted an invoice for case costs incurred in the amount of \$16.31.
 - Mr. Heggan MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. Heggan confirmed no contact had been made with the respondent.
 - Mr. Heggan MOVED, Ms. Perry SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations, to order the property be brought into compliance within 30 days and to require payment of case costs incurred in the amount of \$16.31 within 30 days, subject to a fine of \$250 per day plus applicable interest.
 - VOTING AYE: Chalifoux, Bauman, Giardina, Heggan, Perry, Sacilotto.
 - VOTING NAY: Weiner.
 - MOTION CARRIED.
- I. 19-72683 – CODE COMPLIANCE OFFICER – NICK FALKNER
- Respondents: Michael & Suzanne Nardella
- Address of Violation: 583 Andora Drive
- Violation of Chapter 26, Section 8.11 (a) Maintenance – Roof
- Mr. Chalifoux entered a plea of not guilty on behalf of the absent respondent.
 - Mr. Nick Falkner, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, stating a May 29, 2019, inspection found more than 20% of the roof was not maintained to be free from dirt and/or mold . He reviewed the City’s efforts to bring the property into compliance, noting inspections on July 9, 2019, August 19, 2019, and September 24, 2019, found the violation continued to exist. He then submitted an invoice for case costs incurred in the amount of \$12.

- Mr. Sacilotto MOVED, Mr. Heggan SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Heggan inquired whether any contact had been made with the respondent.
- Mr. Falkner responded affirmatively, stating an extension was requested on September 3, 2019 by the respondent, noting any extensions would need to be considered by the Board.
- Mr. Weiner MOVED, Mr. Heggan SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations, to order the property be brought into compliance within 10 days and to require payment of case costs incurred in the amount of \$12 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

J. 19-73677 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondent: Ariel Popper

Address of Violation: 233 Harvey Street

Violation of Chapter 9, Section 9-2 (h) Tall Grass and/or Weeds Violation of Chapter 26, Section 8.11 (e) Maintenance – Wild Overgrowth

- Mr. Chalifoux entered a plea of not guilty on behalf of the absent respondent.
- Mr. David McCarty, Code Compliance Supervisor, stated several violations regarding this property had been brought before the Board previously, providing a brief review of the fines that had resulted from those cases. He explained the Cease & Desist order presented at the May 22, 2019, meeting was invalid; therefore, same would need to be reconsidered.
- Mr. McDaniel displayed several photographs of the subject property, located within City limits, stating an August 14, 2019, inspection found tall grass and/or weeds throughout the property, as well as overgrowth onto the sidewalks and curbing. He reviewed the City's efforts to bring the property into compliance, noting an inspection on August 21, 2019, found the violations continued to exist, along with an additional violation of overgrown plants and shrubs surrounding the home. He stated an inspection on September 24, 2019, found the violations continued to exist. He submitted an invoice for case costs incurred in the amount of \$23.92.
- Mr. Heggan MOVED, Mr. Bauman SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Bauman confirmed the previous fines imposed remained outstanding.
- Mr. Weiner MOVED, Mr. Heggan SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to bring the property into compliance within 5 days, and to require payment of case costs incurred in the amount of \$23.92

within 5 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

- K. 19-73232 – CODE COMPLIANCE EXECUTIVE ASSISTANT – JENNIFER DAUMANN
Respondents: Banyan Ventures, LLC
Registered Agent: John J. Hagerman
Address of Violation: 207 Cross Street
Violation of Chapter 9, Section 9-2 (a) and; Violation of Chapter 26, Section 8.14 (b) Outdoor Storage
- Ms. Jennifer Daumann, Executive Assistant, stated the property was now in compliance, requesting dismissal.
 - Mr. Heggan MOVED, Ms. Giardina SECONDED to dismiss Case #19-73232. MOTION CARRIED UNANIMOUSLY.
- L. 19-73619 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL
Respondent: Nastas Petrovich, Tr.
Address of Violation: 3721 Whip-Poor-Will Boulevard
Violation of Chapter 9, Section 9-2 (h) Tall Grass and/or Weeds Violation of Chapter 26, Section 8.11 (e) Maintenance – Wild Overgrowth Violation of Chapter 9, Section 9-2 (g) Danger Blight
- Mr. McDaniel stated the property was now in compliance, requesting dismissal.
 - Mr. Bauman MOVED, Mr. Sacilotto SECONDED to dismiss Case #19-73619. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

- A. HEARING IMPOSING PENALTY
19-72381 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL
Respondents: Kings Court Villas Condominium Association, Inc.
Registered Agent: Brenda Binder
Address of Violation: 810 Kings Court
Violation of Chapter 26, Section 1.4 and; Violation of Chapter 26, Section 1.5 and; Violation of Chapter 26, Section 1.10 No Permit
- Mr. McDaniel stated a permit for the dumpster enclosure was submitted, requesting dismissal.
 - Ms. Giardina MOVED, Mr. Sacilotto SECONDED to dismiss Case #19-72381. MOTION CARRIED UNANIMOUSLY.

STAFF COMMENTS

- Mr. McCarty reported no liens had been recorded for three months

COMMITTEE/BOARD COMMENTS

- Mr. Sacilotto distributed a proposal for conducting fine reduction requests brought to the Board and requested discussion regarding same at the October 23, 2019 meeting.
- Mr. Chalifoux confirmed one alternate member seat was available.

CITIZENS' COMMENTS

- None.

ADJOURNMENT

- Meeting Adjourned: 10: 45 p.m.

John Chalifoux, Chairman

Leah Pues, Recording Secretary