

**CODE ENFORCEMENT BOARD
MEETING
DECEMBER 17, 2019**

MEMBERS PRESENT: Henry Bauman, Acting Chairman
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
Allen McDaniel, Code Compliance Officer
Nick Falkner, Code Compliance Officer
Lavosia Price, Code Compliance Officer
Jennifer Daumann, Executive Assistant/Code Compliance Officer
John Chalifoux

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
 - 1. January 22, 2020
 - Mr. David McCarty, Code Compliance Supervisor, stated the next meeting needed to be rescheduled.
 - Consensus was to schedule the next meeting on January 29, 2020.

APPROVAL OF MINUTES

- A. November 19, 2019
 - Ms. Perry requested the title of Ms. Jennifer Daumann's, Executive Assistant/Code Compliance Officer, be revised to include Code Compliance Officer.
 - Mr. Sacilotto requested his name be removed from attendance.
 - Mr. Heggan MOVED, Ms. Perry SECONDED approval of the November 19, 2019 minutes as amended. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- Recording Secretary Pues swore in all participants.
- A. 19-74527 - CODE COMPLIANCE OFFICER - ALLEN MCDANIEL
 - Respondents: Robert L. & Deltah M. Corsini
 - Address of Violation: 717 West Marion Avenue
 - Violation of Chapter 9, Section 9-2 (a); and Violation of Chapter 26, Section 8.14 (b) Outdoor Storage
 - Mr. Bauman 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 an October 29, 2019, inspection

found outdoor storage throughout the property. He reviewed the City's efforts to bring the property into compliance, noting inspections on November 7, 2019, and December 16, 2019, found the violations remained. He then submitted an invoice for case costs incurred in the amount of \$12.15.

- Ms. Giardina MOVED, Mr. Heggan SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Heggan MOVED, Mr. Weiner 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 \$12.15 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

B. HEARING IMPOSING PENALTY – REPEAT VIOLATION 19-74606 - CODE COMPLIANCE OFFICER – NICK FALKNER

Respondent: Cheryl R. & Leroy McDaniel

Address of Repeat Violation: 550 Corto Andra

Repeat Violation of Chapter 9, Section 9-2 (h) Tall Grass and/or Weeds

- Mr. Nick Falkner, Code Compliance Officer, provided a brief history of the Compliance Order issued to the respondent on June 26, 2019, stating a November 12, 2019, inspection found tall grass and/or weeds remained throughout the property; therefore, the property was in repeat violation. He then displayed several photographs of the subject property, located within City limits, and reviewed the City's efforts to bring the property into compliance, noting an inspection on December 2, 2019, and December 16, 2019, found the violations were corrected and the property remained in compliance. He concluded the property had been in noncompliance for 20 days, submitting an invoice for case costs incurred in the amount of \$34.71.
- Mr. Bauman commented the area appeared to be low income.
- Mr. Weiner verified contact had not been made with the respondent, opining property owners should be responsible for communicating as to why compliance was not maintained.
- Ms. Giardina noted a Cease and Desist Order was in place for a reason, suggesting a lower fine might be more appropriate.
- Mr. Sacilotto MOVED, Ms. Giardina SECONDED to find the respondent in repeat violation of the Compliance Order, to impose a fine of \$200, representing \$10 per day for 20 days plus applicable interest, and to require payment of total case costs incurred in the amount of \$34.71.

- VOTING AYE: Bauman, Giardina, Heggan, Perry, Sacilotto.
 - VOTING NAY: Weiner.
 - MOTION CARRIED.
- C. 19-74332 - CODE COMPLIANCE OFFICER – LAVOSIA PRICE JR
- Respondents: Southwest Partners, LLC
- Registered Agent: Todd Lang
- Address of Violation: 2530 Tamiami Trail
- Violation of Chapter 9, Section 9-2 (h) Tall Grass and/or Weeds
- Mr. Bauman entered a plea of not guilty on behalf of the absent respondent.
 - Mr. Lavosia Price, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, stating an October 16, 2019, inspection found tall grass and/or weeds throughout the property. He reviewed the City’s efforts to bring the property into compliance, noting inspections on October 29, 2019, November 12, 2019, and December 16, 2019, found the violation remained. He submitted an invoice for case costs incurred in the amount of \$11.85.
 - Mr. Heggan MOVED, Mr. Sacilotto 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 be brought into compliance within 10 days and to require payment of case costs incurred in the amount of \$11.85 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.
- D. 19-73904 - CODE COMPLIANCE OFFICER – LAVOSIA PRICE JR
- Respondents: Isles Royale
- Address of Violation: 2619 Magdalena Drive
- Violation of Chapter 26, Section 8.11 (a) Dirty Roof & Exterior Wall
- Mr. McCarty stated the property was found to have another owner; therefore, he requested dismissal of the case until the correct property owner was served.
 - Ms. Giardina MOVED, Mr. Weiner SECONDED to dismiss Case #19-73904. MOTION CARRIED UNANIMOUSLY.

STAFF COMMENTS

- A. Code Enforcement Board Dates 2020
- Mr. McCarty pointed out the 2020 meeting dates were detailed in the agenda material, noting the July 2020 meeting date might be revised.

CITIZENS' COMMENTS

- Mr. John Chalifoux explained he was seeking re-appointment to the Board. He then commented on the Lot Mowing Program fees paid by the City.
- City Attorney David Levin explained he had recently clarified the procedures related to the absence policy, reviewing the circumstances which led to same.
- Discussion ensued regarding the City's absence policy.

ADJOURNMENT

- Meeting Adjourned: 10:39 a.m.

Henry Bauman, Acting Chairman

Leah Pues, Recording Secretary