

**CODE ENFORCEMENT BOARD
MEETING
FEBRUARY 26, 2020**

MEMBERS PRESENT: John Chalifoux, Chairman
Henry Bauman, Roland Ericsson, Nora Giardina,
Jay Nadelson, Paul Sacilotto, Edward Weiner

MEMBERS ABSENT: Timothy Heggan, Carol Perry

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
Josefina Mondragon Guitierrez, Barbara Brunner,
Deeana Atkinson, Leslie Poole, Kimberly Pennell,
Carmen Seward, Sean Seward, Mort Levine,
Daniel Nix, Ken Rolland, Anita Armstrong

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
- 1. March 25, 2020

APPROVAL OF MINUTES

- A. January 29, 2020
- Mr. Bauman MOVED, Mr. Sacilotto SECONDED approval of the January 29, 2020, minutes. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- Recording Secretary Pues swore in all participants.
- A. 19-75050 - CODE COMPLIANCE OFFICER - Allen McDaniel
Respondent: The Harold and Joan Lang Living - Trust Dated
September 26, 2018
Address of Violation: 5023 Key Largo Drive
Violations of: Chapter 9, Section 9-2 (a); and Chapter 26, Section 8.14 (b) Outside Storage; and Chapter 26, Section 8.11 (a) Dirty Roof; and Chapter 26, Section 8.11 (b) Chimney in Disrepair.
- 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 December 18, 2019, inspection found outdoor storage, more than 20% of the roof not maintained to be free from dirt

and/or mold and cracks and/or holes on the exterior surface of the chimney structure. He reviewed the City's efforts to bring the property into compliance, noting inspections on January 21, 2020, and February 25, 2020, found the violations remained. He submitted an invoice for case costs incurred in the amount of \$12.90.

NOTE: Mr. Nadelson arrived at 9:05 a.m.

- Mr. Bauman MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Weiner MOVED, Mr. Bauman 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 \$12.90 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

B. HEARING IMPOSING PENALTY – IRREPARABLE VIOLATION – 20-75502 – CODE COMPLIANCE OFFICER – DAVID MCCARTY

Respondents: All Florida State Roofing, LLC
Josefina Mondragon Guitierrez, Registered Agent
Jason A. Masters, Property Owner

Address of Irreparable Violation: Right-of-Way at 443 Monaco Drive
Irreparable Violation of Chapter 26, Section 11.6 (c) Sign on Right-of-Way

- Mr. David McCarty, Code Compliance Supervisor, displayed a photograph of the violation, explaining on February 2, 2020, he found a sign on the subject Right-of-Way (ROW), located within City limits, which was an irreparable violation. He noted he removed and disposed of the sign, then reviewing the City's efforts to notify the respondents of the violation and penalty hearing. He submitted an invoice for case costs incurred in the amount of \$15.30.
- Mr. Bauman verified the location was a construction site, requesting clarification regarding the process for citing irreparable violations.
- City Attorney David Levin provided an explanation of irreparable violations and the code compliance procedure related to same.
- Ms. Giardina MOVED, Mr. Weiner SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Josefina Mondragon Guitierrez, registered agent, entered a plea of not guilty. She then stated her business did not place the sign in the right-of-way, confirming this was the business' first time completing work within the City.

- Discussion ensued regarding the fining process for irreparable violations, with Mr. Nadelson speaking in favor of leniency since this was the first time the respondent completed work within the City.
- Mr. Bauman MOVED, Mr. Sacilotto SECONDED to find the respondent guilty of an irreparable violation, to impose a fine of \$10.00, to require payment of the fine within 10 days of receipt of this order, to require payment of case costs incurred in the amount of \$15.30 within 30 days and to issue a Cease & Desist Order for any future violations, subject to a fine not to exceed \$5,000 plus applicable interest.
- VOTING AYE: Bauman, Chalifoux, Ericsson, Giardina, Sacilotto, Weiner.
- VOTING NAY: Nadelson.
- MOTION CARRIED.

C. HEARING IMPOSING PENALTY – IRREPARABLE VIOLATION – 20-75519 – CODE COMPLIANCE OFFICER – NICK FALKNER

Respondents: Coldwell Banker, Sunstar Realty
Barbara Brunner

Address of Irreparable Violation: Right-of-way Aqui Esta Drive & Bal Harbor Boulevard
Irreparable Violation of Chapter 26, Section 11.6 (c) Sign on Right-of-Way

- Mr. Nick Falkner, Code Compliance Officer, displayed a photograph of the violation, explaining on February 1, 2020, he found a sign on the subject ROW, located within City limits, which was an irreparable violation. He noted he removed and disposed of the sign, reviewing the City's efforts to notify the respondents of the violation and penalty hearing. He submitted an invoice for case costs incurred in the amount of \$7.95.
- Ms. Barbara Brunner, respondent, entered a plea of not guilty. She opined the sign was not located in the ROW, adding the property owner had allowed the sign to be posted. She then requested clarification of the violation.
- Discussion ensued regarding the location of the ROW relative to the property line and the accuracy of the geographic information system's (GIS) depiction of property lines.
- Mr. Nadelson opined a prima facie case had not been presented as the distance of the sign from the sidewalk had not been measured and the GIS data might be inaccurate.
- Mr. Chalifoux pointed out the sign was aligned with the utility pole, noting utility poles were typically placed within the ROW.
- Mr. Weiner MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case.
- Mr. Bauman questioned how respondents could clarify the location of their property line in order to determine where a sign could be placed.
- Discussion ensued regarding determination of where the City's ROW was located.

- VOTING AYE: Chalifoux, Ericsson, Giardina, Sacilotto, Weiner.
- VOTING NAY: Bauman, Nadelson.
- MOTION CARRIED.
- Mr. Chalifoux questioned whether the Board of Realtors (BOR) was informed placing signs within the ROW was a violation of Punta Gorda Code.
- Ms. Lisa Hannon, Zoning Official, replied the BOR had been notified of same on multiple occasions since 2008, with letters sent each time the City's sign regulations were amended. She stated the president of the BOR indicated its membership was provided with information from the City's two most recent communications. She then provided a detailed timeline of amendments to the Code regarding placement of signs in the ROW.
- Ms. Deena Atkinson, Sunstar Realty, acknowledged notices were received as ordinances changed. She opined Ms. Brunner had attempted to comply with Punta Gorda Code, asserting the inaccuracy of the GIS system made doing so difficult. She indicated she relied on the homeowner to clarify the content of their property's survey and where to place signage.
- Ms. Hannon pointed out off-premises directional signs such as this were prohibited regardless of their location on the property.
- Ms. Giardina MOVED, Mr. Weiner SECONDED to find the respondent guilty of an irreparable violation, to impose a fine of \$100, to require payment of the fine within 10 days of receipt of this order, to require payment of case costs incurred in the amount of \$7.95 within 10 days and to issue a Cease & Desist Order for any future violations, subject to a fine not to exceed \$5,000 plus applicable interest.
- Mr. Nadelson verified Ms. Atkinson was previously unaware off-premise directional signs were prohibited.
- MOTION CARRIED UNANIMOUSLY.

D. HEARING IMPOSING PENALTY -IRREPARABLE VIOLATION - 20-75506 - CODE COMPLIANCE OFFICER - DAVID MCCARTY

Respondents: Coldwell Banker, Sunstar Realty
 Barbara Brunner, Agent
 David A. Holmes, Registered Agent

Address of Irreparable Violation: Right-of-Way at Curacao Court and Deborah Drive
 Irreparable Violation of Chapter 26, Section 11.6 (c) Sign on Right-of-Way

- Ms. Barbara Brunner, respondent, entered a plea of not guilty.
- Mr. McCarty displayed a photograph of the violation, explaining on February 2, 2020, he found an off-premises directional sign on the subject ROW, located within City

limits, which was an irreparable violation. He noted he removed and disposed of the sign, reviewing the City's efforts to notify the respondents of the violation and penalty hearing. He submitted an invoice for case costs incurred in the amount of \$15.30.

- Mr. Weiner MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Brunner reiterated she was previously unaware off-premises directional signs were prohibited, asserting the sign had not been placed within the ROW.
- Mr. McCarty explained he determined the sign was placed in the ROW due to its position relative to a stop sign and utility boxes in addition to the Charlotte County's GIS data.
- Mr. Nadelson inquired as to the section of Punta Gorda Code which prohibited off-premises directional signs.
- City Attorney Levin explained Punta Gorda Code prohibited anything which was not expressly permitted.
- Ms. Giardina MOVED, Mr. Weiner SECONDED to find the respondent guilty of an irreparable violation, to impose a fine of \$100, to require payment of the fine within 10 days of receipt of this order, to require payment of case costs incurred in the amount of \$15.30 within 10 days and to issue a Cease & Desist Order for any future violations, subject to a fine not to exceed \$5,000 plus applicable interest. MOTION CARRIED UNANIMOUSLY.

E. HEARING IMPOSING PENALTY – IRREPARABLE VIOLATION – 20-75508 – CODE COMPLIANCE OFFICER – DAVID MCCARTY

Respondents: Keller Williams Peace River Partners
Leslie Poole, Agent

Address of Irreparable Violation: Right-of-Way at West Marion Avenue and Park Beach Circle

Irreparable Violation of Chapter 26, Section 11.6 (c) Sign on Right-of-Way

- Ms. Leslie Poole, respondent, entered a plea of not guilty.
- Mr. McCarty displayed a photograph of the violation, explaining on February 2, 2020, he found a sign on the subject ROW, located within City limits, which was an irreparable violation. He noted he removed and disposed of the sign, reviewing the City's efforts to notify the respondents of the violation and penalty hearing. He submitted an invoice for case costs incurred in the amount of \$7.95.
- Ms. Poole stated the subject sign concerned the adjoining property, adding she now understood its placement violated Punta Gorda Code.

G. HEARING IMPOSING PENALTY – IRREPARABLE VIOLATION – 20-75534 – CODE COMPLIANCE OFFICER – NICK FALKNER

Respondents: Keller Williams Peace River Partners
Kimberly Pennell

Address of Irreparable Violation: Right-of-Way Albatross Drive and Oriole Court
Irreparable Violation of Chapter 26, Section 11.6 (c) Sign on Right-of-Way

- Mr. Weiner MOVED, Mr. Bauman SECONDED to dismiss Case #20-75534. MOTION CARRIED UNANIMOUSLY.

H. HEARING IMPOSING PENALTY – IRREPARABLE VIOLATION – 20-75535 – CODE COMPLIANCE OFFICER – NICK FALKNER

Respondents: Keller Williams Peace River Partners
Kimberly Pennell

Address of Irreparable Violation: Right-of-Way Bal Harbor Boulevard and Albatross Drive

Irreparable Violation of Chapter 26, Section 11.6 (c) Sign on Right-of-Way

- Ms. Kimberly Pennell, respondent, entered a plea of not guilty.
- Mr. Falkner displayed a photograph of the violation, explaining on February 1, 2020, he found a sign on the subject ROW, located within City limits, which was an irreparable violation. He noted he removed and disposed of the sign, reviewing the City's efforts to notify the respondents of the violation and penalty hearing. He submitted an invoice for case costs incurred in the amount of \$7.95.
- Ms. Pennell drew attention to the code compliance procedure posted on the City's website, noting same stated the City should verbally contact the property owner when a violation occurred. She indicated she never received verbal contact.
- Mr. Falkner explained due to the number of violations he addressed on the date of this violation, he was unable to make contact with each individual realtor.
- Mr. Chalifoux pointed out the process Ms. Pennell referenced excluded irreparable violations.
- A lengthy discussion ensued regarding the history of enforcement of the City's regulations relating to signs in the ROW as well as education of realtors regarding same, with City Attorney Levin stating realtors were responsible for familiarizing themselves with the City's sign regulations and Ms. Hannon offering to provide additional education to brokerages and realtors.
- Mr. Bauman MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.

- Mr. Weiner MOVED, Mr. Sacilotto SECONDED to find the respondent guilty of an irreparable violation, to impose a fine of \$100, to require payment of the fine within 10 days of receipt of this order, to require payment of case costs incurred in the amount of \$7.95 within 10 days and to issue a Cease & Desist Order for any future violations, subject to a fine not to exceed \$5,000 plus applicable interest. MOTION CARRIED UNANIMOUSLY.

I. HEARING IMPOSING PENALTY – IRREPARABLE VIOLATION – 20-75536 – CODE COMPLIANCE OFFICER – NICK FALKNER

Respondents: Keller Williams Peace River Partners
Brenda Yates

Address of Irreparable Violation: Right-of-Way Bal Harbor Boulevard and Suzi Street

Irreparable Violation of Chapter 26, Section 11.6 (c) Sign on Right-of-Way

- Ms. Leslie Poole entered a plea of not guilty on behalf of the absent respondent.
- Mr. Falkner displayed a photograph of the violation, explaining on February 1, 2020, he found an off-premises directional sign on the subject ROW, located within City limits, which was an irreparable violation. He noted he removed and disposed of the sign, reviewing the City's efforts to notify the respondents of the violation and penalty hearing. He submitted an invoice for case costs incurred in the amount of \$7.95.
- Mr. Bauman MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Giardina MOVED, Mr. Weiner SECONDED to find the respondent guilty of an irreparable violation, to impose a fine of \$100, to require payment of the fine within 10 days of receipt of this order, to require payment of case costs incurred in the amount of \$7.95 within 10 days and to issue a Cease & Desist Order for any future violations, subject to a fine not to exceed \$5,000 plus applicable interest. MOTION CARRIED UNANIMOUSLY.

J. HEARING IMPOSING PENALTY – IRREPARABLE VIOLATION – 20-75469 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.

Respondents: Keller Williams Realty Gold
Sean Seward & Carmen Seward, Responsible Party

Address of Irreparable Violation: Right-of-Way Bal Harbor Boulevard & West Marion Avenue

Irreparable Violation of Chapter 26, Section 11.6 (c) Sign on Right-of-Way

- Ms. Carmen Seward and Mr. Sean Seward, responsible parties, entered a plea of not guilty.

- Mr. Lavosia Price, Code Compliance Officer, displayed a photograph of the violation, explaining on January 30, 2020, he found a sign on the subject ROW, located within City limits, which was an irreparable violation. He noted he removed and disposed of the sign, reviewing the City's efforts to notify the respondents of the violation and penalty hearing. He submitted an invoice for case costs incurred in the amount of \$7.95.
- Ms. Seward stated she was a member of the City of Venice's BOR, noting they were never notified of the regulations for the City of Punta Gorda.
- Mr. Seward opined BORs for surrounding cities should also be notified when ordinances changed.
- Mr. Bauman MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Seward stated she was told by staff she could retrieve her signs from the City; however, she was informed they were needed for evidence when she tried to obtain them.
- Ms. Hannon apologized some erroneous information had been provided regarding retrieval of the sign. She explained realtors were responsible for researching the codes of the municipalities in which they worked, noting informational resources were available for questions regarding same.
- Mr. Seward noted this was his first time being reprimanded for posting signs after being a realtor for several years.
- Mr. Sacilotto MOVED, Mr. Weiner SECONDED to find the respondent guilty of an irreparable violation, to impose a fine of \$100, to require payment of the fine within 10 days of receipt of this order, to require payment of case costs incurred in the amount of \$7.95 within 10 days and to issue a Cease & Desist Order for any future violations, subject to a fine not to exceed \$5,000 plus applicable interest. MOTION CARRIED UNANIMOUSLY.

K. HEARING IMPOSING PENALTY – IRREPARABLE VIOLATION – 20-75473 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.

Respondents: Keller Williams Realty Gold
Sean Seward & Carmen Seward, Responsible Party

Address of Irreparable Violation: Right-of-Way Bal Harbor Boulevard & Aqui Esta Drive
Irreparable Violation of Chapter 26, Section 11.6 (c) Sign on Right-of-Way

- Ms. Carmen Seward and Mr. Sean Seward, responsible parties, entered a plea of not guilty.

- Mr. Price displayed a photograph of the violation, explaining on January 30, 2020, he found a sign on the subject ROW, located within City limits, which was an irreparable violation. He noted he removed and disposed of the sign, reviewing the City's efforts to notify the respondents of the violation and penalty hearing. He submitted an invoice for case costs incurred in the amount of \$7.95.
- Mr. Weiner MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Bauman MOVED, Mr. Weiner SECONDED to find the respondent guilty of an irreparable violation, to impose a fine of \$100, to require payment of the fine within 10 days of receipt of this order, to require payment of case costs incurred in the amount of \$7.95 within 10 days and to issue a Cease & Desist Order for any future violations, subject to a fine not to exceed \$5,000 plus applicable interest. MOTION CARRIED UNANIMOUSLY.

L. HEARING IMPOSING PENALTY –IRREPARABLE VIOLATION - 20-75475 - CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.

Respondents: Keller Williams Realty Gold
Sean Seward & Carmen Seward, Responsible Party

Address of Irreparable Violation: Right-of-Way Tamiami Trail & Aquí Esta Drive
Irreparable Violation of Chapter 26, Section 11.6 (c) Sign on Right-of-Way

- Ms. Carmen Seward and Mr. Sean Seward, responsible parties, entered a plea of not guilty.
- Mr. Price displayed a photograph of the violation, explaining on January 30, 2020, he found a sign on the subject ROW, located within City limits, which was an irreparable violation. He noted he removed and disposed of the sign, reviewing the City's efforts to notify the respondents of the violation and penalty hearing. He submitted an invoice for case costs incurred in the amount of \$7.95.
- Ms. Giardina MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Nadelson stated the respondents now understood the City's sign regulations, opining \$100 for each case was excessive.
- Mr. Nadelson MOVED, Mr. Bauman SECONDED to find the respondent guilty of an irreparable violation, to impose a fine of \$10, to require payment of the fine within 10 days of receipt of this order, to require payment of case costs incurred in the amount of \$7.95 within 10 days and to issue a Cease & Desist Order for any future violations, subject to a fine not to exceed \$5,000 plus applicable interest.
- VOTING AYE: Bauman, Chalifoux, Ericsson, Giardina, Nadelson, Sacilotto.

- VOTING NAY: Weiner.
 - MOTION CARRIED.
- M. HEARING IMPOSING PENALTY – IRREPARABLE VIOLATION – 20-75476 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.

Respondents: Keller Williams Realty Gold
Sean Seward & Carmen Seward, Responsible Party

Address of Irreparable Violation: Right-of-Way Whip-Poor-Will Boulevard & Turtle Dove Boulevard

Irreparable Violation of Chapter 26, Section 11.6 (c) Sign on Right-of-Way

- Ms. Carmen Seward and Mr. Sean Seward, responsible parties, entered a plea of not guilty.
- Mr. Price displayed a photograph of the violation, explaining on January 30, 2020, he found a sign on the subject ROW, located within City limits, which was an irreparable violation. He noted he removed and disposed of the sign, reviewing the City's efforts to notify the respondents of the violation and penalty hearing. He submitted an invoice for case costs incurred in the amount of \$7.95.
- Mr. Bauman MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Nadelson MOVED, Mr. Bauman SECONDED to find the respondent guilty of an irreparable violation, to impose a fine of \$10, to require payment of the fine within 10 days of receipt of this order, to require payment of case costs incurred in the amount of \$7.95 within 10 days and to issue a Cease & Desist Order for any future violations, subject to a fine not to exceed \$5,000 plus applicable interest.
- Mr. Weiner objected to a \$10 fine which was insufficient and inconsistent with the \$100 fines imposed upon other realtors.
- Mr. Chalifoux pointed out those cases did not exceed \$200 per agent, speaking in favor of Mr. Nadelson's fine reduction.
- VOTING AYE: Bauman, Chalifoux, Ericsson, Giardina, Nadelson, Sacilotto.
- VOTING NAY: Weiner.
- MOTION CARRIED.

- N. HEARING IMPOSING PENALTY – IRREPARABLE VIOLATION – 20-75477 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.

Respondents: Keller Williams Realty Gold
Sean Seward & Carmen Seward, Responsible Party
Linda S. Levine-Brown, Property Owner

Address of Irreparable Violation: Right-of-Way at 3804 Turtle Dove Boulevard

Irreparable Violation of Chapter 26, Section 11.6 (c) Sign on Right-of-Way

- Mr. Mort Levine, respondent, entered a plea of not guilty.
- Mr. Price displayed a photograph of the violation, explaining on January 30, 2020, he found a sign on the subject ROW, located within City limits, which was an irreparable violation. He noted he removed and disposed of the sign, reviewing the City's efforts to notify the respondents of the violation and penalty hearing. He submitted an invoice for case costs incurred in the amount of \$15.30.
- Mr. Levine questioned why the property owner was named in this case but not in other cases.
- City Attorney Levin replied those signs did not identify the property for which they were utilized; therefore, the property owners could not be identified.
- Mr. Bauman MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Levine questioned why he was not asked to remove the sign in person as he was home at the time.
- Discussion ensued regarding the process for notifying responsible parties of an irreparable violation.
- Mr. Nadelson MOVED, Mr. Bauman SECONDED to find the respondent guilty of an irreparable violation, to impose a fine of \$10, to require payment of the fine within 10 days of receipt of this order, to require payment of case costs incurred in the amount of \$15.30 within 10 days and to issue a Cease & Desist Order for any future violations, subject to a fine not to exceed \$5,000 plus applicable interest.
- VOTING AYE: Bauman, Chalifoux, Ericsson, Giardina, Nadelson, Sacilotto.
- VOTING NAY: Weiner.
- MOTION CARRIED.

O. HEARING IMPOSING PENALTY – IRREPARABLE VIOLATION – 20-75507 – CODE COMPLIANCE OFFICER – NICK FALKNER

Respondents: Nix & Associates Real Estate, LLC

Address of Irreparable Violation: Right-of-Way Whip-poor-will Boulevard & Turtle Dove Boulevard

Irreparable Violation of Chapter 26, Section 11.6 (c) Sign on Right-of-Way

- Mr. Daniel Nix, respondent, entered a plea of not guilty.
- Mr. Falkner displayed a photograph of the violation, explaining on February 1, 2020, he found a sign on the subject ROW, located within City limits, which was an irreparable violation. He noted he removed and disposed of the sign, reviewing the

City's efforts to notify the respondents of the violation and penalty hearing. He submitted an invoice for case costs incurred in the amount of \$7.95.

- Mr. Nix explained he did not post signs as a broker, questioning whether the realtor who posted the sign could be added to the violation. He acknowledged his business name was listed on the sign; however, he wanted to ensure additional cases did not move forward under his business.
- City Attorney Levin expressed hope Mr. Nix would inform his agents of the City's sign regulations and take appropriate action if additional violations occurred. He then explained the responsible realtor could not be added to this case; however, a new case could be created if desired.
- Mr. Nix indicated he did not desire same.
- Mr. Sacilotto MOVED, Mr. Bauman SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Sacilotto MOVED, Mr. Weiner SECONDED to find the respondent guilty of an irreparable violation, to impose a fine of \$100, to require payment of the fine within 10 days of receipt of this order, to require payment of case costs incurred in the amount of \$7.95 within 10 days and to issue a Cease & Desist Order for any future violations, subject to a fine not to exceed \$5,000 plus applicable interest. MOTION CARRIED UNANIMOUSLY.

P. HEARING IMPOSING PENALTY – IRREPARABLE VIOLATION – 20-75527 – CODE COMPLIANCE OFFICER – NICK FALKNER

Respondents: William & Linda M. Sturek

Address of Irreparable Violation: Right-of-Way at Tamiami Trail & Seminole Lakes Boulevard

Irreparable Violation of Chapter 26, Section 11.6 (c) Sign on Right-of-Way

- Mr. Chalifoux entered a plea of not guilty on behalf of the absent respondent.
- Mr. Falkner displayed a photograph of the violation, explaining on February 1, 2020, he found a sign on the subject ROW, located within City limits, which was an irreparable violation. He noted he removed and disposed of the sign, reviewing the City's efforts to notify the respondents of the violation and penalty hearing. He submitted an invoice for case costs incurred in the amount of \$7.95.
- Ms. Giardina MOVED, Mr. Bauman SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Giardina MOVED, Mr. Bauman SECONDED to find the respondent guilty of an irreparable violation, to impose a fine of \$100, to require payment of the fine within 10 days of receipt of this order, to require payment of case costs incurred in the amount

of \$7.95 within 10 days and to issue a Cease & Desist Order for any future violations, subject to a fine not to exceed \$5,000 plus applicable interest.

- Mr. Weiner opined a \$200 fine was more likely to attract the respondents' attention, expressing dissatisfaction the respondent was not present.
- Discussion ensued regarding property owners' awareness of the City's sign regulations and their responsibility for knowledge of same.
- VOTING AYE: Bauman, Chalifoux, Ericsson, Giardina, Nadelson, Sacilotto.
- VOTING NAY: Weiner.
- MOTION CARRIED.

Q. HEARING IMPOSING PENALTY – IRREPARABLE VIOLATION – 20-75513 – CODE COMPLIANCE OFFICER – DAVID MCCARTY

Respondents: Keller Williams Peace River Partners
Thomas Welchman, Owner

Address of Irreparable Violation: Right-of-Way at 3500 Oriole Drive

Irreparable Violation of Chapter 26, Section 11.6 (c) Sign on Right-of-Way

- Ms. Leslie Poole, respondent's representative, entered a plea of not guilty. She noted Mr. Thomas Welchman no longer worked for Keller Williams Peace River Partners.
- Mr. McCarty stated Mr. Jim Quinn, owner, indicated he would correct the business's ownership as denoted on the Local Business Tax Receipt. He then displayed a photograph of the violation, explaining on February 2, 2020, he found a sign on the subject ROW, located within City limits, which was an irreparable violation. He noted he removed and disposed of the sign, reviewing the City's efforts to notify the respondents of the violation and penalty hearing. He submitted an invoice for case costs incurred in the amount of \$7.95.
- Ms. Giardina MOVED, Mr. Bauman SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Poole noted the sign was installed by an independent agent.
- Ms. Giardina MOVED, Mr. Sacilotto SECONDED to find the respondent guilty of an irreparable violation, to impose a fine of \$100, to require payment of the fine within 10 days of receipt of this order, to require payment of case costs incurred in the amount of \$7.95 within 10 days and to issue a Cease & Desist Order for any future violations, subject to a fine not to exceed \$5,000 plus applicable interest. MOTION CARRIED UNANIMOUSLY.

R. HEARING IMPOSING PENALTY – IRREPARABLE VIOLATION – 20-75533 – CODE COMPLIANCE OFFICER – NICK FALKNER

Respondents: Nix & Associates Real Estate, LLC

Address of Irreparable Violation: Right-of-Way Albatross Drive and Kiwi Court

Irreparable Violation of Chapter 26, Section 11.6 (c) Sign on Right-of-Way

- Mr. Daniel Nix, respondent, entered a plea of not guilty.
- Mr. Falkner displayed a photograph of the violation, explaining on February 1, 2020, he found a sign on the subject ROW, located within City limits, which was an irreparable violation. He noted he removed and disposed of the sign, reviewing the City's efforts to notify the respondents of the violation and penalty hearing. He submitted an invoice for case costs incurred in the amount of \$7.95.
- Mr. Nix stated an independent agent installed the sign.
- Mr. Bauman MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Giardina inquired as to when a homeowner would qualify as a respondent as well.
- City Attorney Levin replied the owner of an advertised property could be cited when the violation occurred on their property.
- Mr. Nadelson questioned why Section 11.8 was not cited for the case regarding signs within the ROW, expressing a desire to find the respondent guilty of an irreparable violation of Chapter 26, Section 11.8.
- City Attorney Levin explained same would be a violation of due process as the respondent had not been provided notice of a violation concerning that section of Punta Gorda Code. He acknowledged portions of Punta Gorda Code were duplicative and Section 11.8 could apply to this violation as well.
- Mr. Nadelson MOVED, Mr. Bauman SECONDED to find the respondent guilty of an irreparable violation, to impose a fine of \$100, to require payment of the fine within 10 days of receipt of this order, to require payment of case costs incurred in the amount of \$7.95 within 10 days and to issue a Cease & Desist Order for any future violations, subject to a fine not to exceed \$5,000 plus applicable interest. MOTION CARRIED UNANIMOUSLY.

STAFF COMMENTS

- A. Election of Chairman and Vice-Chairman
- Recording Secretary Pues opened the floor for nominations for Chairman.
 - Mr. Sacilotto NOMINATED Mr. Chalifoux.
 - As there were no other nominations, Mr. Chalifoux was appointed Chairman by acclamation.
 - Recording Secretary Pues opened the floor for nominations for Vice Chairman.
 - Mr. Sacilotto NOMINATED Mr. Bauman.

- As there were no other nominations, Mr. Bauman was appointed Vice Chairman by acclamation.

COMMITTEE/BOARD COMMENTS

- Mr. Weiner spoke in favor of fining respondents in a consistent manner.
- Mr. Chalifoux clarified the type of sewer he referenced in the Sunloft case at the previous meeting was a drainage sewer.

CITIZENS' COMMENTS

- Mr. Ken Rolland questioned whether GIS data would be used to determine property lines.
- City Attorney Levin responded GIS was presumably an accurate representation of where property lines were located in relation to the City's ROW; however, the responsible parties had an opportunity to prove the evidence was inaccurate.
- Mr. Rolland then expressed concern regarding the responsibility of real estate firms and brokers for violations resulting from the actions of independent contractors.
- City Attorney Levin stated firms were liable for independent contractors' actions.
- Mr. Rolland indicated members of the BOR desired to review the City's sign ordinances with City Attorney Levin.
- City Attorney Levin noted City Council would discuss the matter at their next meeting, suggesting realtors attend same to express their concerns.
- Mr. Kevin Graham expressed appreciation to Mr. Nadelson for his desire to use leniency when imposing fines against respondents with numerous violations, opining realtors had been educated this date. He further opined the assumption all realtors were notified of the City's correspondence by the BOR was erroneous. He concluded by speaking against using the County's GIS to determine property lines.
- City Attorney Levin explained while the GIS system was not sufficient evidence for normal court, same accomplished what was appropriate for the violations presented this date.
- Discussion continued regarding the determination of property lines for the purpose of issuing citations for signs in the ROW and education of realtors regarding same, with City Attorney Levin clarifying the City was not obligated to provide notification; however, staff did attempt to address same through public outreach.

ADJOURNMENT

- Meeting Adjourned: 11:57 a.m.

John Chalifoux, Chairman

Leah Pues, Recording Secretary