

**CODE ENFORCEMENT BOARD
MEETING
JULY 22, 2020**

MEMBERS PRESENT: John Chalifoux, Chairman
Henry Bauman, Nora Giardina,
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
Allen McDaniel, Code Compliance Officer
Nick Falkner, Code Compliance Officer
Terry Nichols, Executive Assistant
Donald Garner, Chris Grant, Adam Kilby,
Simon Jacobson, Cathy Getz

CALL TO ORDER/ANNOUNCEMENTS

- Mr. Chalifoux called the meeting to order at 9:00 a.m.
- A. Roll Call
- B. Next Scheduled Meeting
 - 1. August 26, 2020
- Discussion ensued regarding the next meeting date, with members agreeing to hold their next meeting on September 16, 2020.

APPROVAL OF MINUTES

- A. June 16, 2020
- Mr. Bauman MOVED, Mr. Weiner SECONDED approval of the June 16, 2020, minutes.
MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- City Attorney David Levin swore in all participants.
- A. HEARING IMPOSING PENALTY – IRREPARABLE VIOLATION
20-75576 - CODE COMPLIANCE OFFICER – NICK FALKNER
Respondents: Suncoast Trucking Academy, Responsible Party
Donald Garner, Registered Agent
Address of Irreparable Violation: Right-of-Way at 10031 Burnt Store Road
Irreparable Violation of Chapter 26, Section 11.6 (c) Sign on Right-of-Way
- Mr. Donald Garner, registered agent, entered a plea of guilty.
- Mr. Weiner 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 \$21.75 within 10 days, subject to a fine not to exceed \$500 per day plus applicable interest, 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.

NOTE: Mr. Chalifoux relinquished the gavel to Mr. Bauman and abstained from voting on Case# 20- 75741 due to a conflict of interest with the respondent. See Form 8B, Voting Conflict, attached.

B. HEARING IMPOSING PENALTY – IRREPARABLE VIOLATION
20-75741 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondents: Remax Anchor Realty

Chris Grant, Responsible Party

Douglas G. & Chun C. Balazich, Property Owners

Address of Irreparable Violation: Right-of-Way at 960 Messina Drive

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

- Mr. Chris Grant, respondent, entered a plea of not guilty.
- Mr. Allen McDaniel, Code Compliance Officer, displayed a photograph of the violation, explaining on February 20, 2020, an inspection found a sign on the subject right-of-way (ROW), located within City limits, which was an irreparable violation. He noted the sign was removed and disposed of, then reviewing the City's efforts to notify the respondents of the violation, penalty hearing and continuances of same. He submitted an invoice for case costs incurred in the amount of \$44.10.
- Mr. Weiner MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Grant apologized for the violation, noting he was unaware landscapers had relocated the sign.
- A brief discussion ensued regarding the original location of the sign.
- Ms. Giardina MOVED, Mr. Sacilotto SECONDED to find the respondent guilty of an irreparable violation, to impose a fine of \$25, 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 \$44.10 within 10 days, subject to a fine not to exceed \$500 per day plus applicable interest, 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.

NOTE: Mr. Bauman relinquished the gavel to Mr. Chalifoux.

- Mr. Chalifoux noted the violations relating to signs heard this date occurred prior to City Council's decision to suspend enforcement of the sign ordinance.

C. HEARING IMPOSING PENALTY – IRREPARABLE VIOLATION

20-75706 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE JR.

Respondents: Keller Williams Peace River Partners
Tom & Gay Weekes, Responsible Party
Patrick M. & Laurie Payton, Property Owners

Address of Irreparable Violation: Right-of-Way at 3836 St. Kitts Court

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

- Mr. Weiner MOVED, Mr. Bauman SECONDED to continue the case to September 16, 2020, meeting. MOTION CARRIED UNANIMOUSLY.

D. HEARING IMPOSING PENALTY – IRREPARABLE VIOLATION

20-75594 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondents: K-Pax Construction Group, LLC, Responsible Party
Adam T. Kilby, Registered Agent

Address of Irreparable Violation: Right-of-Way at end of Columbian Drive

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

- Mr. Adam Kilby, registered agent, entered a plea of not guilty.
- Mr. McDaniel displayed a photograph of the violation, explaining on February 7, 2020, an inspection found a sign on the subject ROW, located within City limits, which was an irreparable violation. He noted the sign was removed and disposed of, then reviewing the City's efforts to notify the respondents of the violation, penalty hearing and continuances of same. He submitted an invoice for case costs incurred in the amount of \$21.75.
- Ms. Giardina MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Kilby explained he was out of state and recovering from an injury at the time of the violation, stating he was unaware how the sign came to be in the ROW.
- Mr. Weiner confirmed a superintendent was present at the site, opining that individual was responsible for ensuring City requirements were followed.
- Mr. Kilby acknowledged his responsibility.
- Mr. Bauman MOVED, Ms. Giardina 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 \$21.75 within 10 days, subject to a fine not to exceed \$500 per day plus applicable interest, 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

20-75708 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE JR.

Respondents: Walker Realty Group

Jamie Peters, Responsible Party

Elizabeth Betz Yaremo, Property Owner

Address of Irreparable Violation: Right-of-Way at 5011 Captiva Court

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

- Mr. Weiner questioned why staff had requested some of the cases be continued.
- Mr. David McCarty, Code Compliance Supervisor, explained Mr. Lavosia Price, Code Compliance Officer, was unable to attend the meeting this date; therefore, his cases needed to be continued.
- Mr. Bauman MOVED, Mr. Weiner SECONDED to continue the case to the September 16, 2020, meeting. MOTION CARRIED UNANIMOUSLY.

F. HEARING IMPOSING PENALTY – IRREPARABLE VIOLATION

20-75841 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE JR.

Respondents: Chappelle Roofing LLC, Responsible Party

Address of Irreparable Violation: Right-of-Way at Taylor Road & Carmalita Street

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

- Mr. Sacilotto MOVED, Mr. Bauman SECONDED to continue the case to the September 16, 2020, meeting. MOTION CARRIED UNANIMOUSLY.

G. HEARING IMPOSING PENALTY – REPEAT VIOLATION

20-76703 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondent: Simon & Sheina Jacobson

Address of Repeat Violation: 455 West William Street

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

- Mr. Simon Jacobson, respondent, entered a plea of not guilty.
- Mr. McDaniel provided a brief history of the Cease & Desist Order issued to the respondent on January 29, 2020, noting the respondent paid the original case costs on February 10, 2020. He stated a June 2, 2020, inspection found tall grass and/or weeds 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 inspections on June 9, 2020, and July 21, 2020, found the property was in compliance. He concluded the property had been in repeat violation for 7 days of noncompliance and submitted an invoice for case costs incurred in the amount of \$12.81.

- Mr. Bauman MOVED, Mr. Weiner SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Jacobson disputed the length of time his property was in noncompliance, explaining his property was flooded during the time the repeat violation occurred.
- Mr. Chalifoux questioned whether Mr. Jacobson could provide evidence his property was flooded during that time.
- A brief discussion ensued regarding the extenuating circumstances which prevented the respondent from resolving the violation more quickly.
- Mr. Jacobson displayed a photograph of his flooded property.
- Mr. Chalifoux pointed out same was dated June 5, 2020 which coincided with the timeframe of the violation.
- Ms. Giardina MOVED, Mr. Sacilotto SECONDED to find the respondent in repeat violation, to impose a fine of \$50, representing a fine of \$25 per day for 2 days, plus applicable interest and to require payment of total case costs incurred in the amount of \$12.81. MOTION CARRIED UNANIMOUSLY.

H. 20-75783 - CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondent: Stephen West Dumont

Address of Violation: 110 Casa Lane

Violation of Chapter 6, Section 6-7 (b) (2) (c) Cleats on Seawall Cap

- 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 March 10, 2020, inspection found a cleat attached to the top of the seawall cap. He reviewed the City's efforts to bring the property into compliance, noting inspections on June 3, 2020, and July 21, 2020, found the violation continued to exist. He submitted an invoice for case costs incurred in the amount of \$16.56.
- Mr. Sacilotto MOVED, Mr. Bauman SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. McDaniel confirmed a letter was received from the respondent and read same into the record, explaining the violation was in relation to the cleat attached to the seawall cap rather than the respondent's personal dock which he had mentioned in the letter.
- Discussion ensued regarding the violation, with Mr. McDaniel explaining any anchors, chains or lines could not be within six feet of the seawall cap.
- Ms. Giardina MOVED, Mr. Sacilotto SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations, to bring the property into compliance within 10 days, and to require payment of case costs incurred in the amount of \$16.56

within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

I. 20-76003 - CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondent: Stephen W. Dumont

Address of Violation: 131 Casa Lane

Violation of Chapter 6, Section 6-7 (b) (2) (c); and Violation of Chapter 6, Section 6-5 Cleats, Pipe on Seawall Cap

- 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 March 16, 2020, inspection found multiple cleats attached to the seawall cap and a PVC pipe resting on and over the seawall cap. He reviewed the City's efforts to bring the property into compliance, noting inspections on May 19, 2020, June 3, 2020, and July 21, 2020, found the violations continued to exist. He submitted an invoice for case costs incurred in the amount of \$11.70.
- City Attorney Levin noted members should not consider the photographs not dated.
- 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, to issue a Cease & Desist Order for any future violations, to bring the property into compliance within 10 days, and to require payment of case costs incurred in the amount of \$11.70 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

J. 19-74827 - CODE COMPLIANCE OFFICER – LAVOSIA PRICE JR.

Respondents: TDP-FL, LLC;

AKA: Trudream Properties, LLC

Address of Violation: 432 East Helen Avenue

Violation of Chapter 9, Section 9-2 (h) Yard Waste Debris

- Mr. McCarty confirmed the property was now in compliance.
- Mr. Bauman MOVED, Ms. Giardina SECONDED to dismiss the case. MOTION CARRIED UNANIMOUSLY.

K. 19-74828 - CODE COMPLIANCE OFFICER – LAVOSIA PRICE JR.

Respondents: TDP-FL, LLC;

AKA: Trudream Properties, LLC

Address of Violation: 436 East Helen Avenue

Violation of Chapter 9, Section 9-2 (h) Yard Waste Debris

UNFINISHED BUSINESS

A. HEARING IMPOSING PENALTY

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

Violation of Chapter 9, Section 9-2 (a); and Violation of Chapter 26, Section 8.14 (b); Outdoor Storage, and Violation of Chapter 26, Section 8.11 (a); Dirty Roof, and Violation of Chapter 26, Section 8.11 (b) Cracks and Holes on Exterior Surface

- Mr. McDaniel stated the respondent was requesting this case be continued due to his concerns with travel restrictions caused by the coronavirus pandemic. He noted the respondent was granted a continuance in June 2020, questioning whether members desired to honor his request.
- Mr. Chalifoux confirmed board members desired to move forward with hearing the case this date.
- Mr. McDaniel provided a brief history of the Cease & Desist Order issued to the respondent on February 26, 2020, stating an inspection on May 18, 2020, found corrective action ordered by the Board had not been taken and the following violations remained: outdoor storage on the right side of the house structure; cracks and/or holes on the exterior surface of the chimney structure; more than 20% of the roof not maintained to be free from dirt and/or mold. 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 July 21, 2020, found the violations remained. He concluded the property was in noncompliance for 115 days and submitted an invoice for total case costs incurred in the amount of \$39.15.
- Mr. Chalifoux confirmed the respondent was notified of the violation prior to the coronavirus pandemic being declared.
- Mr. Sacilotto MOVED, Mr. Bauman SECONDED to find the respondent in violation of the Compliance Order, to impose a fine of \$2,300 representing \$20 per day for 115 days of noncompliance plus applicable interest, with the fine continuing to run until the respondent came into compliance, and to require payment of total case costs incurred in the amount of \$39.15.
- Mr. Weiner spoke in opposition to imposing a fine of \$20 per day for noncompliance.
- Mr. Chalifoux agreed, opining a larger fine would gain the respondent's attention.
- Mr. Sacilotto MOVED, Mr. Bauman SECONDED to amend the motion to impose a fine of \$4,600 representing \$40 per day for 115 days.
- VOTING AYE: Bauman, Giardina, Sacilotto.

- VOTING NAY: Chalifoux, Weiner.
- MOTION CARRIED.
- Mr. Chalifoux called for a vote on the amended motion.
- VOTING AYE: Bauman, Giardina, Sacilotto.
- VOTING NAY: Chalifoux, Weiner.
- MOTION CARRIED.

STAFF COMMENTS

- Mr. McCarty provided an update on the following: all fines resulting from sign violations heard at the February 26, 2020, meeting were paid; an additional penalty hearing for 710 Monaco Drive and fine reduction for 207 East Marion Avenue would be heard at the September 16, 2020, meeting; the Board Order regarding 109 Colony Point Drive was sent for recording.

COMMITTEE/BOARD COMMENTS

- Mr. Bauman verified there would be one meeting in September 2020.
- Mr. Chalifoux thanked staff for their service.

CITIZENS' COMMENTS

- Ms. Cathy Getz expressed empathy for the surrounding property owners near 1124 Coronado Drive.
- Mr. Bauman questioned if there were any updates regarding Mr. Douglas Plattner.
- City Attorney Levin provided an update on legal actions taken by Mr. Plattner and the City relating to the lawsuit, opining the matter would proceed through the courts.

ADJOURNMENT

- Meeting Adjourned: 10:47 a.m.

John Chalifoux, Chairman

Leah Pues, Recording Secretary