

**CODE ENFORCEMENT BOARD
MEETING
JANUARY 27, 2021**

MEMBERS PRESENT: Henry Bauman, Acting Chairman
Roland Ericsson, Nora Giardina,
Carol Perry, Paul Sacilotto, Edward Weiner

MEMBERS ABSENT: John Chalifoux

OTHERS PRESENT: City Attorney David Levin
Lisa Hannon, Zoning Official
David McCarty, Code Compliance Supervisor
Allen McDaniel, Code Compliance Officer
Lavosia Price, Code Compliance Officer
Nick Falkner, Code Compliance Officer
Terry Nichols, Executive Assistant
Ronald Neff, Cheryl Maymon, Jackson Maymon,
Lee Richardson, Jason Lucas

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
 - 1. February 24, 2021
- A. August and September Meeting Dates
 - Mr. David McCarty, Code Compliance Supervisor, explained the original meetings dates for August 2021 and September 2021 were revised as those dates conflicted with City Council meetings.

APPROVAL OF MINUTES

- A. December 15, 2020
 - Mr. Weiner MOVED, Mr. Sacilotto SECONDED approval of the December 15, 2020, minutes. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- Recording Secretary Pues swore in all participants.
- A. 20-77029 - CODE COMPLIANCE OFFICER - ALLEN MCDANIEL
 - Respondent: Jeffrey P. & Gail M. Dalbero
 - Address of Violation: 722 Santa Margerita Lane
 - Violation of Chapter 26, Section 8.11 (a) Dirty Roof
 - Mr. Allen McDaniel, Code Compliance Officer, stated the property was in compliance and requested dismissal of this case.

- Mr. Weiner MOVED, Mr. Sacilotto SECONDED to dismiss the case. MOTION CARRIED UNANIMOUSLY.
- B. 20-77962 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL
- Respondent: Anna Morozova
Address of Violation: 2735 Rio Court
Violation of Chapter 26, Section 8.11 (e) Bare Soils, Dead Palm Fronds; and Chapter 9, Section 9-2 (h) Stagnant Pool Water
- Mr. Bauman entered a plea of not guilty on behalf of the absent respondent.
 - Mr. McDaniel displayed photographs of the subject property, located within City limits, stating a November 18, 2020, inspection found bare soil in landscaped areas and dead palm fronds on the trees throughout the property as well as stagnant water in the pool on the property. He reviewed the City’s efforts to bring the property into compliance, noting inspections on December 21, 2020, and January 26, 2021, found the violations remained. He submitted an invoice for case costs incurred in the amount of \$21.57.
 - Mr. Sacilotto MOVED, Ms. Perry SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. Weiner noted the notice for corrective action to take place within 10 days was sent on November 19, 2020; however, the second notice was sent on December 10, 2020.
 - Mr. McDaniel explained the notice had not been confirmed as delivered; therefore, staff was unable to conduct re-inspection of the property. He verified there had been no contact with the respondent, concluding the next step was to post the property as staff had done.
 - Ms. Giardina 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 10 days and to require payment of case costs incurred in the amount of \$21.57 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.
- C. 20-76259 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL
- Respondent: Steven R. & Kathleen A. French
Address of Violation: 210 Belaire Court
Violation of Chapter 26, Section 8.11 (a) Dirty Roof
- Mr. Bauman entered a plea of not guilty on behalf of the absent respondent.
 - Mr. McDaniel displayed photographs of the subject property, located within City limits, stating a September 30, 2020, inspection found more than 20% of the roof on the housing structure was not maintained to be free from dirt or mold. He reviewed the City’s efforts to bring the property into compliance, noting inspections on December 22,

2020, and January 26, 2021, found the violations remained. He submitted an invoice for case costs incurred in the amount of \$11.70.

- Mr. Sacilotto MOVED, Ms. Perry SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Weiner inquired whether there had been any contact with the respondents.
- Mr. McDaniel replied the respondents appeared to be seasonal and had indicated the violation would be corrected by the first week of December 2020; however, same had not occurred. He stated the respondent informed him they were working with another contractor to maintain the roof after the property was posted.
- Ms. Perry MOVED, Ms. Giardina 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 \$11.70 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

D. 20-75416 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondent: Douglas R. Engberg

Address of Violation: 3837 Bermuda Court

Violations of Chapter 26, Section 3.4 (d) and Chapter 6, Section 2-1 (c) (2) (a) Prohibited Structure

- Mr. Bauman entered a plea of not guilty on behalf of the absent respondent.
- Mr. McDaniel announced this case began on January 27, 2020, as a result of information received from the Canal Maintenance Division and a citizen complaint. He explained the respondent contacted him on January 8, 2021, to request a continuance of the case as he would be out of town this date. He stated the respondent was informed staff could not grant the continuance; however, same could be requested on his behalf.
- Mr. Weiner verified there had been correspondence with the respondent throughout the previous year.
- Mr. Bauman questioned whether there was reasoning provided as to why the respondent would be out of town.
- City Attorney David Levin responded that although there might have been correspondence throughout the previous year, the notice of violation was issued on December 29, 2020. He indicated the respondent did not know in advance he would be required to attend the meeting this date, concluding the continuance was at the Board's discretion.
- Mr. Weiner pointed out the length of time the violation existed.

- A brief discussion ensued regarding the request to continue the case as well as the nature of correspondence between the respondent and staff.
 - Ms. Giardina MOVED, Ms. Perry SECONDED to deny the request to continue the case. MOTION CARRIED UNANIMOUSLY.
 - Mr. McDaniel displayed photographs of the subject property, located within City limits, stating a December 29, 2020, inspection found a captain's walk installed around the dock, boat lift and pilings on the waterway. He reviewed the City's efforts to bring the property into compliance, noting inspections on January 5, 2021, and January 26, 2021, found the violations remained. He submitted an invoice for case costs incurred in the amount of \$17.16.
 - Mr. Sacilotto MOVED, Ms. Perry SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. McDaniel verified the captain's walk was not installed by a contactor and there had been no permit granted for same. He explained the Canal Maintenance Division repaired the seawall at the subject location and the respondent was notified the structure should be removed after same was completed, concluding completion of the seawalls contributed to the length of time for this case.
 - Mr. Sacilotto 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 \$17.16 within 10 days, subject to a fine of \$250 per day plus applicable interest.
 - Mr. Weiner opined 30 days was too generous.
 - VOTING AYE: Bauman, Ericsson, Giardina, Perry, Sacilotto.
 - VOTING NAY: Weiner.
 - MOTION CARRIED.
- E. 20-77366 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.
- Respondent: SSR Homes, LLC
- Address of Violation: 416 Madrid Boulevard
- Violation of Chapter 26, Section 8.11 (e) 1, 2, 3, 4, 5 Tree stumps
- Mr. Bauman announced there was a request to dismiss this case.
 - Mr. Lavosia Price, Code Compliance Officer, explained there was a new property owner who was aware of the violations and staff wanted to properly serve the new owner.
 - Mr. Sacilotto MOVED, Ms. Giardina SECONDED to dismiss the case. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

A. HEARING IMPOSING PENALTY

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

- Mr. Price reviewed the Compliance Order issued to the respondent on September 25, 2019, which ordered a building permit application must be submitted to repair the subject property’s seawall within 10 days of receipt of the Order as well as completion of the repairs within 180 days of receipt of the Order and to cease and desist from any future violations. He stated a December 1, 2020, inspection found a building permit application was submitted and approved; however, the seawall repair was not completed and the property remained in noncompliance. He then displayed 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 January 26, 2021, found the violation remained. He stated the property had been in noncompliance for 308 days and submitted an invoice for total case costs incurred in the amount of \$47.02, adding the respondent attended the June 19, 2021, meeting and had not mentioned anything regarding this case.
- Mr. Ronald Neff, respondent, explained J&E Marine Contractors Inc. repaired two of his four seawall caps and had obtained the necessary permits; however, the contractor indicated he was having difficulties obtaining the necessary help. He assured the Board he was attempting to correct the violation, noting most contractors stated they were three to six months out. He stated personal matters caused by the COVID-19 pandemic contributed to the delays, concluding the violation would be corrected if additional time was granted.
- Discussion ensued regarding the seawall repairs completed at Mr. Neff’s additional properties within the City as well as his attempts and the length of time to resolve the violation at the subject property.
- Ms. Giardina verified permits were no longer valid after six months without work.
- Ms. Lisa Hannon, Zoning Official, confirmed the permits were approved on October 10, 2019.

- Mr. Price verified the subject property was outside the Canal Maintenance District, explaining sixteen lots had seawall damage with Mr. Neff's lots being the only two remaining in violation.
- Mr. Neff reiterated his attempts to resolve the violation, concluding he would hire a new contractor if needed.
- Ms. Giardina MOVED, Mr. Sacilotto SECONDED to find the respondent in violation of the Compliance Order, to impose a fine of \$15,400, representing a fine of \$50 per day for 308 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 \$47.02. MOTION CARRIED UNANIMOUSLY.

B. HEARING IMPOSING PENALTY

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

Respondent: Tidewater Virginia Holdings, LLC

Address of Violation: 169 Colony Point Drive

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

- Mr. Price reviewed the Compliance Order issued to the respondent on September 25, 2019, which ordered a building permit application must be submitted to repair the subject property's seawall within 10 days of receipt of the Order as well as completion of the repairs within 180 days of receipt of the Order and to cease and desist from any future violations. He stated a December 1, 2020, inspection found a building permit application was submitted and approved; however, the seawall repair was not completed and the property remained in noncompliance. He then displayed 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 January 26, 2021, found the violation remained. He stated the property had been in noncompliance for 308 days and submitted an invoice for total case costs incurred in the amount of \$47.02, adding the respondent attended the June 19, 2021, meeting and had not mentioned anything regarding this case.
- Mr. Ronald Neff, respondent, reiterated he was attempting to resolve the violation and was having difficulty hiring a contractor, adding personal matters caused by the COVID-19 pandemic contributed to the delays. He requested additional time to bring the property into compliance.

- Mr. McDaniel explained the property was ordered to be brought into compliance by March 25, 2020, and restrictions from the Center for Disease Control were not in place until around that date.
- Ms. Giardina MOVED, Ms. Perry SECONDED to find the respondent in violation of the Compliance Order, to impose a fine of \$15,400, representing a fine of \$50 per day for 308 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 \$47.02. MOTION CARRIED UNANIMOUSLY.
- City Attorney Levin advised Mr. Neff should hire a new contractor as stated, concluding he had the ability to return to the Board to request fine reduction once compliance was obtained.

C. HEARING IMPOSING PENALTY

20-76175 - CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondent: Barbara A. McCollom, Estate & Beth A. McCollom, L/E,
% Thomas R. McCollom, Personal Representative,

Address of Violation: 56 Ocean Drive

Violation of Chapter 26, Section 8.11 (a) Dirty Roof

- Mr. McDaniel provided a brief history of the Compliance Order issued to the respondent on November 17, 2020, which ordered the property be brought into compliance within 30 days of receipt of the Order and to cease and desist from any future violations. He stated an inspection on December 17, 2020, found corrective action ordered by the Board had not been taken in that more than 20% of the roof of the housing structure was not maintained to be free from dirt or mold. He then displayed 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 January 26, 2021, found the violation remained. He concluded the property had been in noncompliance for 41 days and submitted an invoice for case costs incurred in the amount of \$12.51.
- Ms. Giardina inquired whether there was any contact with the respondents.
- Mr. McDaniel replied in the negative. He verified Ms. Barbara and Ms. Beth McCollom, respondents, were deceased and there had been no response from Mr. Thomas McCollom, personal representative, after several attempts from staff.
- Ms. Perry verified the property was vacant and was not listed for sale.
- Mr. Weiner MOVED, Ms. Perry SECONDED to find the respondent in violation of the Compliance Order, to impose a fine of \$8,200, representing a fine of \$200 per day for 41 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 \$33.48. MOTION CARRIED UNANIMOUSLY.

D. HEARING - REQUEST FOR FINE REDUCTION

19-74749 - CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.

Respondent: Sunloft, LLC

Authorized Representative: CAM Realty

Property Address: 201 West Marion Avenue

Violation of Chapter 9, Section 9-2 (h) and Chapter 9, Section 9-12 (e) Discolored and Stained Sidewalk

- Mr. Price displayed a photograph of the subject property, located within City limits, and reviewed the events surrounding the case and the Board’s actions dating back to January 29, 2020. He announced Sunloft, LLC, respondent, and CAM Realty, authorized representative, had requested a reduction of the fine in the amount of \$10,241.05, noting staff requested liens remain valid if any remaining fines were not paid within the date ordered by the Board. He concluded an inspection on January 26, 2021, found the property was in compliance and indicated the total amount of the lien with interest was \$10,733.55, submitting an invoice in the amount of \$7.05 for additional case costs incurred.
- Ms. Cheryl Maymon, CAM Realty, explained the location of the violation was in an alleyway and was an ongoing project, noting vehicles consistently drove over the location. She provided a detailed account of the efforts and costs to correct the violation, opining the system in place should help maintain compliance. She asked members to consider the situation and the efforts made to correct the violation, requesting the fine be removed.
- Mr. Lee Richardson, owner of Leroy’s Southern Kitchen & Bar, indicated there were restaurants within the building that shared the dumpster; additionally, deliveries were made each day. He noted there was an excessive amount of traffic at the subject location, stating the violation was not caused by his restaurant alone.
- Mr. Jackson Maymon, CAM Realty, recalled a concern was the potential for contaminants from the restaurant entering the drainage system, confirming same had been resolved.
- Mr. Sacilotto questioned when the photograph depicting a painted walkway was taken.
- Mr. Maymon responded same was from June 2020, noting the walkway would likely need to be painted every six months.
- Discussion ensued regarding the respondents’ current and future efforts to maintain compliance at the subject location.

- Ms. Giardina confirmed the Cease & Desist order would remain valid if the fine reduction was granted.
- Ms. Maymon requested clarification regarding same.
- Mr. McCarty verified staff would be in contact with the respondents if the violation returned, confirming a Cease & Desist was valid for five years after the date issued.
- Mr. Weiner and Mr. Bauman commented positively on the efforts made to resolve the violation.
- Mr. Weiner MOVED, Mr. Sacilotto SECONDED to approve the reduction of fine request, to reduce the fine of \$10,733.55 plus applicable interest along with the additional case costs in the amount of \$7.05 to \$0 and to require full payment within 0 days, or the remaining unpaid fine in the amount of \$10,733.55 plus applicable interest shall remain valid which did not elevate case costs incurred in the amount of \$7.05. MOTION CARRIED UNANIMOUSLY.

E. HEARING - REQUEST FOR FINE REDUCTION

20-75985 - CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondent: Monica Vallee, Trustee

Address of Violation: 3420 Bal Harbor Boulevard

Violation of Chapter 26, Section 3.13 (n) LP Tank, No Landscape Screening

- Mr. McDaniel displayed a photograph of the subject property, located within City limits, and reviewed the history of the penalty imposed by the Board on December 15, 2020. He announced Mr. Jason Lucas, respondent’s representative, had requested reduction of the fine in the amount of \$1,534.60, noting staff requested liens remain valid if any remaining fines were not paid within the date ordered by the Board. He concluded an inspection on January 26, 2021, found the property was in compliance and indicated the total amount of the lien with interest was \$1,537.97 and submitted an invoice in the amount of \$14.40 for additional case costs incurred.
- Mr. Jason Lucas, respondent’s representative, explained the reason the property was not immediately in compliance by the December 15, 2020, meeting was due to a lack of understanding of the Punta Gorda Code (Code) and the definition of landscape screening. He stated Ms. Monica Vallee, respondent, was unaware artificial flora was not considered landscape screening, noting she understood and rectified the issue after he had explained same. He indicated the property was now in compliance and there should be no further issues with same, requesting the fine be reduced as same was a financial hardship for Ms. Vallee.
- Mr. Weiner verified the replacement landscaping would grow to a height which would conceal the Liquefied Petroleum (LP) tank.

- Ms. Perry opined the artificial flora appeared to be in compliance, noting she understood how the respondent could be confused regarding same.
- Mr. Lucas suggested the portion of the Code requiring landscape screening include artificial flora as not being acceptable.
- Mr. Sacilotto MOVED, Ms. Perry SECONDED to approve the reduction of fine request, to reduce the fine of \$1,537.97 plus applicable interest as well as additional case costs in the amount of \$14.10 to \$14.10 to cover the case costs and to require full payment within 10 days, or the remaining unpaid fine in the amount of \$14.10 plus applicable interest shall remain valid. MOTION CARRIED UNANIMOUSLY.

STAFF COMMENTS

- None.

COMMITTEE/BOARD COMMENTS

- Mr. Bauman welcomed Mr. Ericsson to the Board.

CITIZENS' COMMENTS

- None.

ADJOURNMENT

- Meeting Adjourned: 10:34 a.m.

Henry Bauman, Acting Chairman

Leah Pues, Recording Secretary