

**CODE ENFORCEMENT BOARD  
MEETING  
MAY 26, 2021**

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

**MEMBERS ABSENT:** Roland Ericsson

**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  
Deltah Corsini, William Gorman

**CALL TO ORDER/ANNOUNCEMENTS**

- Mr. Bauman called the meeting to order at 9:00 a.m.
- A. Roll Call
- B. Next Scheduled Meeting
- 1. June 23, 2021

**APPROVAL OF MINUTES**

- A. April 28, 2021
- Mr. Chalifoux MOVED, Mr. Sacilotto SECONDED approval of the April 28, 2021, minutes.  
MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

- Recording Secretary Pues swore in all participants.
- A. 21-79354 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL  
Respondent: Thomas A. & Valerie A. Demell  
Address of Violation: 2423 Ryan Boulevard  
Violation of Chapter 20, Section 20-1 (a) Landscaping and Components in Right-of-Way
- Mr. Allen McDaniel, Code Compliance Officer, stated the property was in compliance, requesting dismissal of this case.
- Mr. Chalifoux MOVED, Mr. Sacilotto SECONDED to dismiss this case. MOTION CARRIED UNANIMOUSLY.

B. 21-79294 – CODE COMPLIANCE OFFICER – NICK FALKNER

Respondent: Diane A. Novak

Address of Violation: 1975 Narranja Street

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. Nick Falkner, Code Compliance Officer, displayed photographs of the subject property, located within City limits, stating an April 5, 2021, inspection found tall grass and/or weeds throughout the property. He reviewed the City’s efforts to bring the property into compliance, noting an inspection on May 3, 2021, found the violation remained; however, an inspection on May 25, 2021, found the property was in compliance. He requested a Cease & Desist Order for future violations and submitted an invoice for case costs incurred in the amount of \$11.67.
- Mr. Weiner MOVED, Mr. Chalifoux SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Chalifoux verified the notice of violation was received by the respondent but the notice of hearing was not.
- Mr. Weiner questioned whether the vegetation photographed near the intersection was a tree or a weed.
- Mr. Falkner confirmed same was outside of the property’s boundaries.
- Mr. Chalifoux MOVED, Mr. Sacilotto 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 \$11.67 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

C. 21-78967 – CODE COMPLIANCE OFFICER – NICK FALKNER

Respondent: Ivania M. Ferrufino

Address of Violation: 501 East Marion Avenue

Violation of Chapter 26, Section 8.11 (e) 1, 2, 3, 4, (f) Dead Tree

- Mr. Bauman indicated there was a request to dismiss this case.
- Mr. Chalifoux MOVED, Mr. Sacilotto SECONDED to dismiss this case. MOTION CARRIED UNANIMOUSLY.

**UNFINISHED BUSINESS**

A. FINE REDUCTION REQUEST

19-74527 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondent: 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)  
Outside Storage

- City Attorney David Levin indicated the subject property was sold and remained in noncompliance, explaining the Punta Gorda Code required properties to be in compliance prior to fine reduction requests. He stated Mr. McDaniel would testify regarding his recent observations of the subject property, noting the respondent could verify whether she had the ability to reach compliance since she was no longer the property owner.
- Mr. McDaniel displayed photographs of the subject property, located within City limits, explaining observation of the property on May 25, 2021, and earlier this date, revealed the property remained in noncompliance. He concluded the Charlotte County Property Appraiser's website reflected the change in ownership as of April 23, 2021.
- Mr. Chalifoux inquired as to how ownership of the property changed since there were violations against the property.
- City Attorney Levin responded State Statute required sellers disclose when there were violations against properties, explaining the buyer inherited the violation and was responsible for bringing the property into compliance. He indicated there was no evidence whether the respondent provided the notice of violation to the buyer, verifying the violation would remain as a lien if the fine reduction was denied.
- Ms. Deltah Corsini, respondent, stated the title company was holding over \$16,000 from the sale of the property until the violation was resolved. She explained her attempts to maintain the property, expressing uncertainty as to the cause of the current violations. She verified the new property owner permitted her to enter the property, confirming she did not reside at same.
- City Attorney Levin confirmed the photographed vehicle belonged to the respondent's daughter. He suggested the request for fine reduction be continued to the June 23, 2021, meeting to allow the respondent and/or property owner to bring the property into compliance, concluding the fine reduction could be considered at that time.
- Mr. Sacilotto MOVED, Mr. Chalifoux SECONDED to continue this case to the June 23, 2021, meeting.

- Mr. Nadelson questioned how compliance could be met since the items stored at the property did not belong to the respondent.
- City Attorney replied same was a private matter between the buyer and seller.
- VOTING AYE: Bauman, Chalifoux, Giardina, Nadelson, Sacilotto.
- VOTING NAY: Weiner.
- MOTION CARRIED.

**B. FINE REDUCTION REQUEST**

20-77115 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondent: 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) Outside Storage

- Mr. McDaniel testified the property was not in compliance as of May 25, 2021, and earlier this date.
- Ms. Corsini reiterated the items stored at the property did not belong to her.
- Mr. Bauman noted this case was similar to the previous request for fine reduction and the recommendation was to continue this case to June 23, 2021, meeting to provide an opportunity for the respondent to bring the property into compliance.
- Ms. Giardina MOVED, Mr. Sacilotto SECONDED to continue this case to the June 23, 2021, meeting.
- VOTING AYE: Bauman, Chalifoux, Giardina, Nadelson, Sacilotto.
- VOTING NAY: Weiner.
- MOTION CARRIED.

**STAFF COMMENTS**

- None.

**COMMITTEE/BOARD COMMENTS**

- Mr. Chalifoux indicated a contract to purchase property in Monroe County required verification from the Building Division regarding open permits and Code Compliance Division regarding outstanding cases, questioning whether the City could require same.
- City Attorney Levin replied same would be a private matter and was not regulated by the government.
- Discussion ensued regarding the process used to notify buyers of properties with code violations.
- City Attorney Levin verified a case would be brought against the new property owner of 717 West Marion Avenue.

- Mr. Sacilotto recalled a case against Mr. Rich Cotten at 2415 St. David Island Court, opining Mr. Cotton's condition made him unable to resolve the violation at his property. He questioned whether Mr. Cotton's conditions could be assessed.
- City Attorney Levin responded the City did not have the capability to investigate his concerns, suggesting local residents be contacted to verify the status of Mr. Cotten.
- Mr. William Gorman, Police Officer, stated the Police Department could perform wellness checks for residents, concluding he would investigate the status of Mr. Cotten.

**CITIZENS' COMMENTS**

- None.

**ADJOURNMENT**

- Meeting Adjourned: 9:37 a.m.

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Henry Bauman, Chairman

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Leah Pues, Recording Secretary