

**CODE ENFORCEMENT BOARD
MEETING
JUNE 23, 2021**

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

OTHERS PRESENT: City Attorney David Levin
Lisa Hannon, Zoning Official
David McCarty, Code Compliance Supervisor
Nick Falkner, Code Compliance Officer

CALL TO ORDER/ANNOUNCEMENTS

- Mr. Bauman called the meeting to order at 9:00 a.m.
- A. Roll Call
- B. Next Scheduled Meeting
- 1. July 28, 2021

APPROVAL OF MINUTES

- A. May 26, 2021
- Mr. Chalifoux MOVED, Mr. Sacilotto SECONDED approval of the May 26, 2021, minutes.
MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- Recording Secretary Pues swore in all participants.
- A. 21-79577 – CODE COMPLIANCE OFFICER – NICK FALKNER
Respondents: James & Jean Ulchinsky, TRS
Address of Violation: 7542 Dracena
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 a May 4, 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 13, 2021, found the violation remained; however, an inspection on June 22, 2021, found the property was in compliance. He requested a Cease and Desist Order for future violations and submitted an invoice for case costs incurred in the amount of \$16.59.
- Mr. Chalifoux MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case.
- Mr. Chalifoux verified there had been no contact with the respondent.

- Mr. Chalifoux MOVED, Mr. Sacilotto SECONDED to find the respondent guilty, to issue a Cease and Desist Order for any future violations and to require payment of case costs incurred in the amount of \$16.38 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.
 - City Attorney David Levin explained the Cease and Desist Order was requested as the property was frequently in violation.
- B. 21-79536 – CODE COMPLIANCE OFFICER – NICK FALKNER
- Respondents: Carter Holdings, LLC,
Kendra M. Carter, Registered Agent
- Address of Violation: 332 San Marie Drive
- Violation of Chapter 26, Section 8.10 Commercial Vehicles, Multiple Axle Trailer
- Mr. Bauman entered a plea of not guilty on behalf of the absent respondent.
 - Mr. Falkner displayed photographs of the subject property, located within City limits, stating a May 7, 2021, inspection found two commercial vehicles and a multiple axle trailer on the property. He reviewed the City’s efforts to bring the property into compliance, noting an inspection on May 20, 2021, found the two commercial vehicles had been removed; however, the trailer remained on the property. He stated an inspection on June 22, 2021, found the trailer had been removed; however, one of the commercial vehicles was parked on the driveway of the property. He requested a Cease and Desist Order for any future violations and submitted an invoice for case costs incurred in the amount of \$23.64.
 - Mr. Weiner MOVED, Ms. Giardina SECONDED the City had presented a prima facie case.
 - VOTING AYE: Bauman, Ericsson, Giardina, Nadelson, Sacilotto, Weiner.
 - VOTING NAY: Chalifoux.
 - MOTION CARRIED.
 - Mr. Chalifoux inquired whether the trailer was actually located on the respondent’s property.
 - Mr. Falkner responded the property line extended beyond the fence line according to the Geographic Information System (GIS) data, displaying an overhead view of same.
 - Mr. Chalifoux questioned how the vehicles were established to be commercial, pointing out the photograph from June 22, 2021, did not show signage or commercial plates on the vehicle.
 - Mr. Falkner replied one of the vehicles had commercial graphics, explaining Punta Gorda Code prohibited any person, company or corporation from parking trucks, recreational vehicles or multiple axle trailers overnight on public or private property. He verified the

vehicles were parked overnight, adding such vehicles were prohibited from being parked more than four hours.

- Mr. Nadelson pointed out the length of grass under the trailer indicated it was parked at the location for a prolonged period.
- Mr. Weiner MOVED, Mr. Sacilotto SECONDED to find the respondent guilty, to issue a Cease and 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 \$23.64 within 10 days, subject to a fine of \$250 per day plus applicable interest.
- Mr. Chalifoux expressed concern regarding the lack of evidence establishing the commercial vehicles were parked for more than four hours. He then opined the trailer photographed on June 22, 2021, was not on the respondent's property.
- Mr. Nadelson questioned whether there was confirmation the respondent owned the trailer.
- City Attorney Levin responded the GIS data indicated the trailer was on the respondent's property and same was permitted as prima facie evidence, adding the respondent was allowed to disprove ownership of the vehicle as a defense.
- Ms. Giardina inquired whether the commercial vehicle photographed on June 22, 2021, was conducting work.
- Mr. Falkner replied the vehicle was witnessed at the location since the beginning of May 2021, adding there were no open permits for work at the property.
- Discussion ensued regarding details of the case as well as the process for fining respondents and issuing a Cease and Desist Order.
- Mr. Falkner verified there had been contact with the property managers but not the respondent, who was the tenant at the property. He then confirmed the property had additional violations against it which were not related to this case.
- Mr. Nadelson noted the vehicles appeared to be working vehicles.
- Mr. Weiner opined there would be issues for the property's management company if they did not respond to the City, expressing dissatisfaction no one appeared before the Board this date to explain the circumstances.
- VOTING AYE: Bauman, Ericsson, Giardina, Sacilotto, Weiner.
- VOTING NAY: Chalifoux, Nadelson.
- MOTION CARRIED.

C. 21-79659 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondents: Bohager Properties, LLC,
David A. Holmes, Registered Agent, Tenant

Address of Violation: 708 and 710 West Olympia Avenue

Violation of Chapter 26, Section 8.26 Temporary Structure; and Chapter 9, Section 9-2 (a); and Chapter 26, Section 8.14 (b) Outdoor Storage

- Mr. Bauman announced the City was requesting dismissal of this case.
- Mr. Chalifoux MOVED, Ms. Giardina SECONDED to dismiss this case. MOTION CARRIED UNANIMOUSLY.

D. 21-78554 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondents: William Felger, Randolph Felger, James Felger,
Norman Felger, and Frederick Bruce Schott

Address of Violation: 226 Venezia Court

Violations of Chapter 26, Section 8.11 (e); and Chapter 26, Section 12.4 (d) (8) (a) Exposed Soil

- Mr. Bauman entered a plea of not guilty on behalf of the absent respondent.
- Mr. David McCarty, Code Compliance Supervisor, displayed photographs of the subject property, located within City limits, stating an inspection by Mr. Allen McDaniel, Code Compliance Officer, on February 8, 2021, found bare soil throughout the property's landscaped areas. He reviewed the City's efforts to bring the property into compliance, noting an inspection by Mr. McDaniel on May 27, 2021, as well as an inspection carried out by himself on June 22, 2021, found the violation remained. He submitted an invoice for case costs incurred in the amount of \$16.89.
- Mr. Chalifoux MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Chalifoux inquired as to the length of time which had passed prior to this case being presented to the Board.
- Mr. McCarty replied the respondents had indicated there were solutions proposed for bringing the property into compliance; however, compliance had not been attained after additional time was granted. He stated one of the respondents informed staff there was a dispute occurring at the property.
- Mr. Sacilotto opined it appeared there was a landscape project in dispute.
- Mr. McCarty agreed.
- Mr. Chalifoux noted it was rainy season and the soil could wash onto the street.
- Mr. Chalifoux MOVED, Mr. Sacilotto SECONDED to find the respondent guilty, to issue a Cease and Desist Order for any future violations, to order the property be brought into

compliance within 15 days and to require payment of case costs incurred in the amount of \$16.89 within 15 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

A. HEARING IMPOSING PENALTY

20-78356 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondent: Richard E. Cotten, TR

Address of Violation: 2415 St. David’s Island Court

Violations of Chapter 26, Section 8.11 (b); and Chapter 9, Section 9-12 (e) Torn/Missing Pool Cage Screening; and Chapter 9, Section 9-2 (a) Broken Light Fixtures

- Mr. McCarty verified the City was requesting dismissal of this case as the property was in compliance.
- Mr. Chalifoux MOVED, Mr. Sacilotto SECONDED to dismiss this case. MOTION CARRIED UNANIMOUSLY.

NOTE: Fine Reduction Request for Cases #19-74527 and #20-7715 were heard at the same time.

B. FINE REDUCTION REQUEST

19-74527 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondent: Robert L. & Deltah M. Corsini

Address of Violation: 717 West Marion Avenue

Violations of Chapter 9, Section 9-2 (a); and Chapter 26, Section 8.14 (b) Outside Storage

- Mr. McCarty stated an inspection on June 22, 2021, found the property was in compliance.
- Mr. Weiner recalled the property had been sold, verifying the respondent requesting the fine reduction was the previous property owner.
- City Attorney Levin briefly reviewed the circumstances surrounding this case, confirming liens on properties remained with the land.
- Ms. Deltah Corsini, respondent, verified the property was sold on April 24, 2021, reiterating the violations had been resolved. She indicated all of her items were stored in a moving vehicle at the property.
- Mr. Chalifoux noted the property did not obtain compliance for over a year.
- Ms. Corsini explained she had lost family members and was on disability due to health concerns. She stated she could not afford another loss, indicating the fine amount was substantial.

- Discussion ensued regarding the fine amount as well as previous violations against the property, with Ms. Corsini confirming all of her items needed to be removed from the property by June 30, 2021.
- Mr. Nadelson indicated the violations would not return since Ms. Corsini would no longer reside at the property, opining the goal for compliance had been accomplished and some relief should be granted. He then proposed a motion be made to reduce the fine to \$250.
- Mr. Chalifoux MOVED, Mr. Nadelson to approve the reduction of fine request, to reduce the fine of \$1,528.75 plus applicable interest and additional case costs incurred in the amount of \$12.03 to \$1,000 and to require full payment within 5 days, or the remaining unpaid fine in the amount of \$1,528.75 plus applicable interest shall remain valid.
- Mr. Sacilotto suggested amending the reduction to \$750, opining \$1,000 was too much.
- Mr. Chalifoux MOVED, Ms. Giardina SECONDED to amend the reduction of fine to \$750.
- MOTION CARRIED UNANIMOUSLY.

C. FINE REDUCTION REQUEST

20-77115 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondent: Robert L. & Deltah M. Corsini

Address of Violation: 717 West Marion Avenue

Violations of Chapter 9, Section 9-2 (a); and Chapter 26, Section 8.14 (b) Outside Storage

- Ms. Deltah Corsini, respondent, reiterated the property was in compliance, confirming there were no additional items stored on the driveway other than the moving vehicle.
- Mr. Weiner expressed confusion regarding the length of time for the property to come into compliance.
- Ms. Corsini acknowledged same, noting her daughter continued to return items to the property after they had been removed.
- Mr. Sacilotto MOVED, Mr. Chalifoux SECONDED to approve the reduction of fine request, to reduce the fine of \$11,007.65 plus applicable interest and additional case costs in the amount of \$12.03 to \$5,000 and to require full payment within 15 days, or the remaining unpaid fine in the amount of \$11,007.65 plus applicable interest shall remain valid.
- Mr. Nadelson requested the reduction be amended to \$750, noting the Board’s goal was to obtain compliance.
- Ms. Giardina suggested the fine be reduced to \$2,500, concurring the goal was to obtain compliance; however, the violations continued to return.
- Mr. Sacilotto opined a reduction to \$750 was not sufficient, agreeing to amend the reduction to \$4,000.
- Mr. Chalifoux reiterated the property had repeat violations, opining \$5,000 was lenient.
- Mr. Sacilotto MOVED, Ms. Giardina SECONDED to amend the reduction of fine to \$4,000.

- VOTING AYE: Bauman, Ericsson, Giardina, Sacilotto, Weiner.
- VOTING NAY: Chalifoux, Nadelson.
- MOTION CARRIED.

STAFF COMMENTS

- None.

COMMITTEE/BOARD COMMENTS

- Mr. Chalifoux commented on the 5.35% interest rate.
- Mr. Bauman announced the Board would be hearing appeals for citations issued based on the new sign ordinance.
- City Attorney Levin added same would be heard at the July 28, 2021, meeting, explaining the Board would make determinations based on the evidence and testimony presented and not constitutionality and legality.
- Mr. Chalifoux, Mr. Nadelson and Ms. Giardina disclosed they had received emails threatening a lawsuit if the respondent was found guilty of violating the sign ordinance.
- City Attorney Levin advised the City would be responsible for defending members' actions on cases if they were to be sued, requesting members forward any email correspondence relating to same to the Legal Division.
- Discussion ensued regarding details of the sign ordinance as well as the content of signs which were and were not protected based on the first amendment.

CITIZENS' COMMENTS

- None.

ADJOURNMENT

- Meeting Adjourned: 10:22 a.m.

Henry Bauman, Chairman

Leah Pues, Recording Secretary