

**CITY OF PUNTA GORDA, FLORIDA  
CODE ENFORCEMENT BOARD MEETING MINUTES  
NOVEMBER 16, 2021, 9:00 A.M.**

**BOARD MEMBERS PRESENT:** Bauman, Chair  
Comeaux, Ericsson, Giardina, Higgins, Rich, Sacilotto

**OTHERS PRESENT:** City Attorney David Levin; Lisa Hannon, Zoning Official; David McCarty, Code Compliance Supervisor; Nick Falkner, Code Compliance Officer; Allen McDaniel, Code Compliance Officer; Lavosia Price, Code Compliance Officer; Ashley Omelanski-Carney, Executive Assistant; Jeff Lustig; William Snow

**CALL TO ORDER**

Mr. Bauman called the meeting to order at 9:00 a.m.

1) **APPROVAL OF MINUTES**

- 1.a **October 27, 2021 Minutes**  
**Exhibits:**  
*Cover Page*  
*10-27-2021 Minutes.pdf*

Ms. Giardina **MOVED** approval of the October 27, 2021, minutes **SECONDED** by Mr. Sacilotto.  
**MOTION UNANIMOUSLY CARRIED.**

Recording Secretary Pues swore in all participants.

2) **NEW BUSINESS**

- 2.a **21-80193- CODE COMPLIANCE OFFICER- NICK FALKNER**  
Respondents: DG121 REALTY, LLC  
Registered Agent: Swift Law Office  
Address of Violation: 1300 Tamiami Trail  
Violation of Chapter 26, Section 8.11(a) Dirty Sign and Awnings  
**Exhibits:**  
*Cover Page*  
*21-80193 1300 Tamiami Tr.pdf*

Mr. Nick Falkner, Code Compliance Officer, stated the property was in compliance, requesting dismissal of the case.  
Mr. Sacilotto **MOVED** to dismiss the case, **SECONDED** by Ms. Giardina.  
**MOTION UNANIMOUSLY CARRIED.**

3) **UNFINISHED BUSINESS**

- 3.a **HEARING IMPOSING PENALTY**  
**21-79933- CODE COMPLIANCE OFFICER- NICK FALKNER**

Respondent: Carrie Heminger  
Address of Violation: 415 Carmalita Street  
Violation of Chapter 26, Section 8.11 (b) Property Maintenance Structure  
Violation of Chapter 9, Section 9-2 (a) Visual Blight Outdoor Storage  
Violation of Chapter 26, Section 8.14 (b) Structures and Uses Limited

**Exhibits:**

[Cover Page](#)

[21-79933 415 Carmalita St Imposing Penalty.pdf](#)

Mr. Falkner provided a brief history of the Compliance Order issued to the respondent on September 15, 2021, which was not received by the respondent via certified mail. He stated an October 21, 2021, inspection found corrective action ordered by the Board had not been taken in that the blue tarp on the roof of the housing structure and the outside storage on the driveway remained. He then displayed photographs of the subject property, located within City limits, and reviewed the City's efforts to bring the property into compliance. He indicated an inspection on November 15, 2021, found the violations remained, concluding the property was in noncompliance for 26 days and submitted an invoice for total case costs incurred in the amount of \$51.57.

Mr. Bauman questioned if the respondent had received notice of the violations.

Mr. Falkner responded the property was posted, expressing uncertainty as to whether the property was occupied.

A brief discussion ensued regarding the attempts to provide notice to the respondent, with Mr. Falkner verifying regular mail was not being returned.

City Attorney David Levin stated the property owner was responsible for maintaining the property.

Mr. Sacilotto **MOVED** to find the respondent in violation of the Compliance Order, to impose a fine of \$2,600, representing \$100 per day for 26 days, 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 \$51.57, **SECONDED** by Ms. Giardina.

**MOTION UNANIMOUSLY CARRIED.**

4) **STAFF COMMENTS**

Mr. David McCarty, Code Compliance Supervisor, provided a detailed presentation which included code enforcement policies and procedures, the duties of the Board and the rights and responsibilities of respondents.

City Attorney Levin continued reviewing code enforcement procedures, including the need for members to consider evidence presented when making decisions as well as the process for issuing citations.

5) **MEMBER COMMENTS**

Mr. Bauman received verification of staff's procedures for posting properties.

6) **PUBLIC COMMENTS**

Mr. Jeff Lustig expressed opposition to the City's sign code.

Mr. William Snow spoke in support of the sign ordinance, expressing concern regarding Mr. Andrew Sheets' behavior.

City Attorney Levin indicated he would research whether public comment was required on a Code Enforcement Board agenda, explaining public comment could lead to issues with due process for respondents.

## **ADJOURNMENT**

The meeting was adjourned at 9:50 a.m.

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Chair

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Recording Secretary