

**CITY OF PUNTA GORDA, FLORIDA
CODE ENFORCEMENT BOARD MEETING MINUTES
JANUARY 26, 2022, 9:00 A.M.**

MEMBERS PRESENT: Giardina, Acting Chair
Comeaux, Ericsson, Higgins, Rich, Sacilotto

MEMBERS ABSENT: Bauman

OTHERS PRESENT: City Attorney David Levin; Lisa Hannon, Zoning Official; David McCarty, Code Compliance Supervisor; Nick Falkner, Code Compliance Officer; Lavosia Price, Code Compliance Officer; Christopher Chase

CALL TO ORDER

Ms. Giardina called the meeting to order at 9:00 a.m.

1) APPROVAL OF MINUTES

1.A December 14, 2021 Minutes

Exhibits:

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12-14-2021 Minutes

Mr. Sacilotto **MOVED** approval of the December 14, 2021, minutes, **SECONDED** by Mr. Comeaux.

MOTION UNANIMOUSLY CARRIED.

Recording Secretary Pues swore in all participants.

2) NEW BUSINESS

2.A 21-80779- CODE COMPLIANCE OFFICER- NICK FALKNER

Respondent: G.G.T., LC

Respondent: Mortgage Right Punta Gorda

Registered Agent: Jack O. Hackett, II

Address of Violation: 2825 Tamiami Trail

Violation of Chapter 12, Section 12-1 Local Business Tax Unpaid;

Violation of Chapter 26, Section 11.11 Signs Installed- No Permit;

Violation of Chapter 26, Section 1.4 No Permit;

Violation of Chapter 26, Section 1.5 No Permit; and

Violation of Chapter 26, Section 1.10 No Permit

Exhibits:

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21-80779 2825 Tamiami Trail

Mr. Nick Falkner, Code Compliance Officer, stated the property was in compliance, requesting dismissal of the case.

Ms. Higgins **MOVED** to dismiss the case, **SECONDED** by Mr. Sacilotto.

MOTION UNANIMOUSLY CARRIED.

2.B 21-80681- CODE COMPLIANCE OFFICER- NICK FALKNER
Respondent: Brian Ross Orme, Life Estate
Address of Violation: 419 San Marie Drive
Violation of Chapter 26, Section 8.11 (b) Missing/Damaged Soffit;
Violation of Chapter 9, Section 9-2 (a); and
Violation of Chapter 26, Section 8.14 (b) Outside Storage

Exhibits:

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21-80681 419 San Marie Drive

Mr. Falkner stated the property was in compliance, requesting dismissal of the case.

Mr. Sacilotto **MOVED** to dismiss the case, **SECONDED** by Mr. Comeaux.
MOTION UNANIMOUSLY CARRIED.

2.C 21-80122- CODE COMPLIANCE OFFICER- LAVOSIA PRICE JR.
Respondent: Dagmar Dvorak
Address of Violation: 1121 Coronado Drive
Violation of Chapter 26, Section 8.11 (e) 1, 4, & 5; and
Violation of Chapter 9, Section 9-2 (h) Fallen Tree and Tall Grass and/or Weeds

Exhibits:

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21-80122 1121 Coronado Drive

Mr. Lavosia Price, Code Compliance Officer, displayed photographs of the subject property, located within City limits, stating a September 28, 2021, inspection found a dead tree fallen near the seawall along with tall grass and/or weeds surrounding same. He reviewed the City's efforts to bring the property into compliance, noting inspections on December 13, 2021, and January 25, 2022, found the violations remained. He submitted an invoice for case costs incurred in the amount of \$52.61.

Discussion ensued regarding the details of the violation, with City Attorney David Levin verifying the respondent was responsible for maintaining the property even though the tree had fallen from an area maintained by the City.

Ms. Higgins questioned if the City would remove the tree if requested by the respondent.

Ms. Lisa Hannon, Zoning Official, responded the City was not staffed for removal of trees from private property.

City Attorney Levin added he would research whether the City would be responsible for removal of the tree if requested by the respondent; however, he noted the respondent had not requested same.

Mr. Price verified the respondent had indicated he was out of the country.

Mr. Sacilotto **MOVED** the City had presented a prima facie case, **SECONDED** by Mr. Comeaux.

MOTION UNANIMOUSLY CARRIED.

City Attorney Levin stated the City recognized the respondent expressed intentions to bring the property into compliance and there might be issues which prevented him from doing so; therefore, he requested members allow the respondent enough time to address the violations.

Ms. Higgins inquired whether the City could remove the portion of the tree on the respondent's property and then charge him for same, particularly since the tree was rooted on the City's property.

City Attorney Levin responded the City had a procedure for properties that did not reach compliance, which included the Board recommending appropriate action be taken by City Council; however, he opined such steps were not needed at this time. He pointed out the fallen tree prevented lot mowers from accessing the area to remove the tall grass and/or weeds, reiterating members should allow the respondent adequate time to come into compliance.

Mr. Ericsson **MOVED** to find the respondent guilty, to issue a Cease and Desist Order for future violations, to order the property be brought into compliance within 60 days and to require payment of case costs incurred in the amount of \$52.61 within 60 days, subject to a fine of \$250 per day plus applicable interest, **SECONDED** by Mr. Rich.

MOTION UNANIMOUSLY CARRIED.

3) UNFINISHED BUSINESS

3.A HEARING- FINE REDUCTION REQUEST

21-79789- CODE COMPLIANCE OFFICER- NICK FALKNER

Respondent: Christopher S. Chase

Address of Violation: 415 Cooper Street

Violation of Chapter 26, Section 3.8 (d) (1) Prohibited Use; and

Violation of Chapter 26, Section 8.5 (b) (2) f Fence in disrepair

Exhibits:

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21-79789 415 Cooper Street - Fine Reduction Request

Mr. Falkner stated on December 14, 2021, the Board imposed a fine in the amount of \$2,900, plus case costs incurred in the amount of \$12.50 with applicable interest, noting an inspection of the property on December 28, 2021, found the property was in compliance. He then displayed a photograph of the subject property, located within City limits, providing a review of the events surrounding the case. He stated the respondent had requested a fine reduction in the amount of \$2,912.50, verifying an inspection on January 26, 2022, found the property remained in compliance. He concluded the City was requesting the lien remain valid if any remaining fine amount was not paid within the timeframe ordered by the Board, submitting an invoice for case costs incurred in the amount of \$27.70.

Mr. Christopher Chase, respondent, explained he was in the process of moving to the subject property when the violations occurred, noting same required multiple trips out of the state for approximately a year. He indicated there were issues receiving the notices of violations in the mail, explaining he now resided at the subject property permanently and was working on improving same.

Mr. Sacilotto **MOVED** to approve reduction of the fine of \$2,900 plus applicable interest and case costs incurred in the amount of \$12.50 to \$290 and to require full payment within 30 days, or the remaining unpaid fine in the amount of \$2,912.50 plus applicable interest shall remain valid, **SECONDED** by Mr. Ericsson.

MOTION UNANIMOUSLY CARRIED.

4) STAFF COMMENTS

None.

5) MEMBER COMMENTS

Mr. Sacilotto cited an incident which occurred between his neighbor and a citizen relating to the sign ordinance.

Ms. Hannon indicated the Police Department was responsible for handling same, concluding the signage Mr. Sacilotto referenced was protected under free speech.

ADJOURNMENT

The meeting was adjourned at 9:30 a.m.

Chair

Recording Secretary