

**CODE ENFORCEMENT BOARD
MEETING
JUNE 27, 2018**

MEMBERS PRESENT: John Chalifoux, Chairman
Henry Bauman, William Brennan,
John Burrage, Timothy Heggan, Vic Poitras

MEMBERS ABSENT: Trudi Baxter

OTHERS PRESENT: David McCarty, Code Compliance Supervisor
Allen McDaniel, Code Compliance Officer
City Attorney David Levin
Nick Falkner, Code Compliance Officer
Lavosia Price, Code Compliance Officer
Stan Munson, John Bice

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- 1. Roll Call
- B. Next Scheduled Meeting
- 1. Tuesday, August 21, 2018

APPROVAL OF MINUTES

- A. May 23, 2018
- Mr. Burrage MOVED, Mr. Bauman SECONDED approval of the May 23, 2018 minutes.
MOTION CARRIED UNANIMOUSLY.
- Recording Secretary Welch swore in all participants.

NEW BUSINESS

- A. Fiscal Year 2019 Strategic Plan Input
- Mr. Chalifoux announced the City Manager had requested recommendations for the 2019 Strategic Plan, explaining members could provide same directly to the City Manager.

B. 18-67306 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondents: Sunstar Enterprises & Maureen Jarvis, Tr

Address of Violation: 301 Capri Isles Court

Violation of Chapter 26, Section 8.11 (c) Tall Grass and/or Weeds

Violation of Chapter 26, Section 8.11 (b) Missing or Torn Screens

Violation of Chapter 9, Section 9-12 (e) Missing or Torn Screens

Violation of Chapter 26, Section 8.11 (e) (1) Dead Tree

- Mr. David McCarty, Code Compliance Supervisor, reviewed the history of violations for the subject properties identified in Items B, C, D, and E, noting each property had a standing Cease and Desist Order; however, new cases were opened to allow the respondent to come into compliance and avoid multiple fines.
- Mr. Stan Munson entered a plea of not guilty.
- Mr. Allen McDaniel, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, stating an April 20, 2018, inspection found tall grass and weeds throughout the property, dead palm fronds on trees at the rear of the property and torn or missing screens on the pool cage. He reviewed the City's efforts to bring the property into compliance, noting a reinspection May 17, 2018, found the violations remained. He concluded reinspection on June 26, 2018, found the tall grass and/or weeds remained; however, the pool screens were repaired. He then submitted an invoice for case costs incurred in the amount of \$16.40.
- Mr. Burrage MOVED, Mr. Poitras SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Munson announced a lawn service had been hired to maintain the property and a pool company repaired the screens, asserting neither the pictured coconut tree with dead fronds nor the grass along the fence were on his property. He concluded his property was in compliance, voicing uncertainty as to why a Cease and Desist Order was requested.
- City Attorney Levin inquired as to the presence of other palms with dead fronds and areas of tall grass and weeds excluding those Mr. Munson disputed.
- Mr. McDaniel confirmed same were present, displaying the requested images.)
- Mr. Munson pointed out certain displayed photographs dated to April 2018, asserting his tenant hired a lawn service following receipt of the first notice. He then suggested excessive rain may have prevented the lawn service from mowing the grass prior to the May 17, 2018, reinspection.

- City Attorney Levin stated the palm fronds and missing screens had been addressed, explaining Mr. McDaniel was requesting a Cease and Desist Order for the addressed violations in addition to an order for corrective action regarding the tall weeds and grass.
 - Mr. McDaniel displayed a photograph taken the previous day depicting tall grass and weeds on the property.
 - Mr. Munson voiced uncertainty regarding the situation, acknowledging he had relied on his tenant's assurance.
 - Mr. Chalifoux stated Mr. Munson was in violation unless he had documentation proving the depicted grass was not on his property.
 - Mr. Poitras MOVED, Mr. Burrage 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 7 days and to require payment of case costs incurred in the amount of \$16.40 within 7 days, subject to a fine of up to \$250 per day plus applicable interest.
- MOTION CARRIED UNANIMOUSLY.

C. 18-67094 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.

Respondents: Sunstar Enterprises, Inc.,

Registered Agent: Stanley A. Munson

Address of Violation: 3930 San Rocco Drive

Violation of Chapter 9, Section 9-2 (h) Public Nuisance

- Mr. Munson entered a plea of not guilty.
- City Attorney Levin suggested Items C, D, and E be combined for presentation of evidence as they were part of the same tract of land, noting separate motions were required.
- Mr. Munson objected, requesting continuances for 3390 and 3936 San Rocco Drive.
- City Attorney Levin advised the Board could entertain the continuances.
- Mr. Burrage MOVED, Mr. Bauman SECONDED to continue Cases #18-67094 and #18-68174 to August 21, 2018. MOTION CARRIED UNANIMOUSLY.

D. 18-68174 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.

Respondents: Sunstar Enterprises, Inc.,

Registered Agent: Stanley A. Munson

Address of Violation: 3936 San Rocco Drive

Violation of Chapter 9, Section 9-2 (h) Public Nuisance

E. 18-68175 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.

Respondent: Stanley A. Munson

Address of Violation: 3966 San Rocco Drive

Violation of Chapter 9, Section 9-2 (h) Public Nuisance

- Mr. Munson entered a plea of not guilty.
- Mr. Price displayed several photographs of the subject property, located within City limits, stating a May 14, 2018, inspection found dense wild overgrowth of tall grass and/or weeds in excess of twelve inches in height towards the rear of the property. He reviewed the City's efforts to bring the property into compliance, noting a reinspection May 30, 2018, found the violations remained. He concluded reinspection on June 26, 2018, found the property was in compliance. He requested a Cease and Desist Order for future violations, submitting an invoice for case costs incurred in the amount of \$16.10.
- Mr. Munson attested Sunstar Realty owned the property.
- Mr. McCarty displayed Charlotte County Property Appraiser's records which identified Mr. Munson as the subject property's owner.
- Mr. Poitras MOVED, Mr. Bauman SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- City Attorney Levin suggested Mr. Munson contact the Property Appraiser.
- Mr. Munson stated the previous case related to this property had concluded the cogongrass was on Home Depot's property, indicating same had been trimmed. He reviewed actions taken to bring the property into compliance, recalling he had requested this item be removed from the agenda.
- Mr. Chalifoux recognized the property was in compliance at this time, reminding Mr. Munson the Order currently in place meant he could have been fined automatically. He suggested the City had been quite lenient.
- Mr. McCarty stated 2014 Compliance Orders for the property included a Cease and Desist Order, which was supplied to Mr. Munson. He noted staff had worked with Mr. Munson since 2014 to correct violations without issuance of a fine.
- City Attorney Levin drew attention to the County's Geographic Information System data, confirming Mr. Munson was familiar with the boundaries of his property. He inquired if the image on the screen was a fair and accurate depiction of same, particularly the rear property boundary.
- Mr. Munson responded the depicted boundaries were close; however, the oak trees obscured their extent.
- City Attorney Levin confirmed vegetation in the rear of the property violated City Ordinance, questioning the location of same in relation to the rear property line.

- Mr. Price replied the vegetation was just in front of the telephone pole.
 - City Attorney Levin acknowledged Home Depot's property had tall weeds and grass, confirming Mr. Price observed tall weeds and grass on Mr. Munson's property.
 - Mr. Munson stated the power pole was two feet within Home Depot's property line.
 - City Attorney Levin confirmed the property shown in the photograph depicting a tree surrounded by dead weeds belonged to Mr. Munson. He further confirmed the tree in another photograph belonged to Mr. Munson and was on his property. He questioned when the photograph was taken.
 - Mr. Price responded May 14, 2018.
 - City Attorney Levin confirmed the photograph was a true and accurate depiction of the conditions observed that date, further confirming the weeds and grass around the tree exceeded the City's requirements.
 - Mr. Burrage MOVED, Mr. Bauman 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 \$16.10 within 10 days, subject to a fine of up to \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.
 - Mr. Munson voiced uncertainty as to why this item was on the agenda when the property was in compliance.
 - Mr. Bauman responded the Cease and Desist Order was requested as his property had received multiple citations, explaining property owners were expected to maintain their property without the City's intervention.
- F. 18-68034 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.
 Respondents: Eddie & Annegret J. Robinson
 Address of Violation: 605 E Charlotte Avenue
 Violation of Chapter 26, Section 8.11 (e) Property Maintenance Tree
 Violation of Chapter 9, Section 9-2 (h) Public Nuisance
- Mr. Price requested a continuance on behalf of the defendant.
 - Mr. Chalifoux questioned when the violation was first noted.
 - Mr. Price responded May 10, 2018.
 - Mr. Burrage MOVED, Mr. Bauman SECONDED to continue Case #18-68034 to August 21, 2018. MOTION CARRIED UNANIMOUSLY.
- G. 18-66969 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL
 Respondents: Margaret Burr Bice & John David Bice, Jr.
 Address of Violation: 514 Matares Drive
 Violation of Chapter 26, Section 8.11 (a) Dirty Roof
- Mr. John Bice entered a plea of not guilty.

- Mr. McDaniel displayed several photographs of the subject property, located within City limits, stating a March 12, 2018, inspection found more than twenty percent of the roof structure covered with dirt or mold. He reviewed the City's efforts to bring the property into compliance, noting a reinspection May 4, 2018, found the violations remained. He concluded reinspection on June 26, 2018, found the property remained out of compliance. He then submitted an invoice for case costs incurred in the amount of \$11.94.
- Mr. Poitras MOVED, Mr. Bauman SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Bice provided photographs of his roof.
- Mr. Poitras confirmed the roof cleaned had been cleaned.
- Mr. Chalifoux inquired as to when Mr. Bice's photographs were taken.
- Mr. Bice responded two days ago.
- Mr. Chalifoux inquired as to the percentage of the roof which remained dirty.
- Mr. McDaniel replied eighty percent of the front, explaining he could not view the roof to the rear of the structure.
- Mr. Poitras questioned how Mr. Bice addressed the roof.
- Mr. Bice responded he applied "Spray and Forget," noting the product could take two months to work. He recalled speaking with Mr. McDaniel about the product, stating he had just completed the second application when Mr. McDaniel came to the property.
- City Attorney Levin asserted staff would be satisfied with a Cease and Desist Order to allow the product more time to take effect; then, the case would reappear as a repeat violation if the roof were not maintained appropriately.
- Mr. Chalifoux spoke in favor of including a time limit in the motion.
- Mr. Bice asserted his roof was as clean as it could be.
- City Attorney Levin confirmed the current photographs were not as accurate as Mr. McDaniel's personal observation, inquiring as to areas which remained dirtier than others.
- Mr. McDaniel replied the front corner of the roof was cleaner than the rest.
- Mr. Brennan inquired if the product had been applied two days ago.
- Mr. Bice responded the product was applied approximately three months ago.
- Mr. Brennan confirmed rain was required to wash the roof, questioning if further rain would continue to improve same.
- Mr. Bice reiterated the roof was clean, inviting members to view same.
- Mr. Chalifoux recalled Mr. Bice had stated he would hire a pressure washer if his product did not work to the City's specifications.

- Mr. Bice inquired as to the definition of a dirty roof.
 - Mr. McDaniel responded a roof with more than twenty percent of its area covered in dirt or mold.
 - Mr. Bice questioned if a third party could inspect his roof.
 - Mr. Chalifoux responded Code Compliance was responsible for making hat determination.
 - Mr. Burrage commented the photograph's angle made observing the state of the roof difficult.
 - Mr. Brennan MOVED, Mr. Burrage 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 45 days and to require payment of case costs incurred in the amount of \$11.94 within 45 days, subject to a fine of up to \$250 per day plus applicable interest.
 - VOTING AYE: Poitras, Heggan, Burrage, Brennan, Chalifoux.
 - VOTING NAY: Bauman.
 - MOTION CARRIED.
- H. 18-67783 – CODE COMPLIANCE OFFICER – NICK FALKNER
- Respondent: Janice C. Balunas
Address of Violation: 591 Corto Andra
Violation of Chapter 9, Section 9-2 (a) Outdoor Storage
Violation of Chapter 26, Section 8.14 (b) Structures and Uses Limited
Violation of Chapter 26, Section 8.11 (c) Tall Grass and/or Weeds
- Mr. Chalifoux entered a plea of not guilty on behalf of the absent defendant.
 - Mr. Nick Falkner, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, stating an April 11, 2018, inspection found outside storage behind and next to the house structure, which included plywood, a window screen and seat cushions. He reviewed the City's efforts to bring the property into compliance, noting a reinspection in early May found the initial violations remained in addition to tall grass and/or weeds throughout the property. He indicated a June 14, 2018, reinspection found the tall grass and/or weeds had been mowed, but the other violations remained. He concluded reinspection on June 26, 2018, found the tall grass and/or weeds in addition to the initial violations, submitting an invoice for case costs incurred in the amount of \$24.61.
 - Mr. Poitras MOVED, Mr. Brennan SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. Burrage questioned if Mr. Falkner had met with the owner.

- Mr. Falkner replied the owner was in an assisted living facility, adding his daughter was attempting to evict the occupant, who was also her brother.
- Mr. Poitras questioned whether the May 2018 letter was delivered.
- Mr. Falkner responded the letter was received on May 10, 2018.
- Mr. Burrage MOVED, Mr. Bauman 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 14 days and to require payment of case costs incurred in the amount of \$24.61 within 14 days, subject to a fine of up to \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

I. 18-66991 – CODE COMPLIANCE OFFICER – NICK FALKNER

Respondents: Orlando Acquisitions, LLC, care of Summit Shah

Registered Agent: John L. Soileau

Address of Violation: 10001 Tamiami Trail

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

- Mr. Chalifoux entered a plea of not guilty on behalf of the absent defendant.
- Mr. Falkner displayed several photographs of the subject property, located within City limits, stating a February 6, 2018, inspection found more than twenty percent of the roof structure was covered with dirt or mold. He reviewed the City’s efforts to bring the property into compliance, noting a June 7, 2018, reinspection found the violations were addressed. He concluded reinspection on June 26, 2018, found the property remained in compliance. He then submitted an invoice for case costs incurred in the amount of \$28.04.
- Mr. Burrage MOVED, Mr. Bauman SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Bauman inquired as to the lack of language regarding a failure to comply in the suggested motion for this case.
- Mr. Falkner responded same was unnecessary as the property was now in compliance.
- Mr. Burrage MOVED, Ms. 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 \$28.04 within 10 days, subject to a fine of up to \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

J. 18-67532 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondents: James C. Flayler & Pamela W. Jackson

Address of Violation: 2730 Bay Court

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

- Mr. Chalifoux entered a plea of not guilty on behalf of the absent defendant.

- Mr. McDaniel displayed several photographs of the subject property, located within City limits, stating an April 25, 2018, inspection found more than twenty percent of the roof structure was covered with dirt or mold. He reviewed the City's efforts to bring the property into compliance, noting a reinspection May 29, 2018, found the violations remained. He concluded reinspection on June 26, 2018, found the property remained out of compliance. He then submitted an invoice for case costs incurred in the amount of \$11.94.
 - Mr. Burrage MOVED, Mr. Brennan SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. Poitras stated the roof appeared identical in the photos from the April 25, 2018, and June 26, 2018, inspections.
 - Mr. Burrage MOVED, Mr. Poitras 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 14 days and to require payment of case costs incurred in the amount of \$11.94 within 14 days, subject to a fine of up to \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.
- K. 18-67967 – CODE COMPLIANCE OFFICER – NICK FALKNER
- Respondents: Boos-JL Punta Gorda, LLC, Jiffy Lube
- Registered Agent: Stanley J. Bryan, P.A.
- Address of Violation: 2725 Tamiami Trail
- Violation of Chapter 10, Section 10-7 Garbage Cans Accessibility
- Violation of Chapter 10, Section 10-8 Garbage Lids on Containers
- Mr. Burrage MOVED, Mr. Bauman SECONDED to dismiss the case. MOTION CARRIED UNANIMOUSLY.
- L. 18-68282 – CODE COMPLIANCE OFFICER – NICK FALKNER
- Respondent: Cona M. Garman
- Address of Violation: 462 Tabebuia Tree
- Violation of Chapter 26, Section 8.11 (c) Tall Grass and/or Weeds
- Violation of Chapter 9, Section 9-2 (a) Outdoor Storage
- Violation of Chapter 26, Section 8.14 (b) Outdoor Storage
- Mr. Chalifoux entered a plea of not guilty on behalf of the absent defendant.
 - Mr. Falkner displayed several photographs of the subject property, located within City limits, stating a May 22, 2018, inspection found tall grass and/or weeds around playground equipment in the rear of the property as well as outside storage, which included plastic buckets in front of the house. He reviewed the City's efforts to bring the property into compliance, noting a reinspection June 14, 2018, found the violations

remained. He concluded reinspection on June 26, 2018, found the property remained out of compliance. He then submitted an invoice for case costs incurred in the amount of \$25.51.

- Mr. Poitras MOVED, Mr. Brennan SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Poitras questioned if any corrective action had been taken.
- Mr. Falkner responded the lawn had been mowed; however, there were still areas in violation.
- Mr. Burrage MOVED, Mr. Heggan 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 14 days and to require payment of case costs incurred in the amount of \$25.51 within 14 days, subject to a fine of up to \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

A. HEARING IMPOSING PENALTY

17-66094 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.

Respondents: Deepak & Sharon Singh

Address of Violation: 1207 Gorda Cay Lane

Violation of Chapter 26, Section 8.5 (b) (1) f Fences, Privacy Walls and Hedges

- Mr. Price displayed several photographs of the subject property, located within City limits, providing a detailed review of events surrounding the case and the Board's actions dating to April 25, 2018. He confirmed the property had been in non-compliance for an additional 47 days from May 11, 2018, to June 26, 2018. He submitted an invoice for total case costs incurred of \$61.79.
- Mr. Burrage inquired as to contact with the owner or occupant.
- Mr. Price indicated there had been a phone call and an email in May 2018.
- Mr. Chalifoux confirmed the City was using a portion of the property to store material for seawall repairs.
- Mr. Bauman inquired as to the respondent's response to Mr. Price.
- Mr. Price indicated the respondents appeared interested in removing the trees, noting they had requested photos of same.
- Mr. Poitras confirmed the respondent neither lived at the property nor lived locally.
- Mr. Chalifoux voiced concern regarding fining a property owner who loaned their lot to the City.
- City Attorney Levin responded City Code allowed for the use of property as staging, explaining same did not excuse property owners from compliance.

- Mr. Poitras MOVED, Mr. Burrage SECONDED to find the respondent continued to be in violation of the Board's Order, to impose a fine of \$1,175 (\$25 per day for 47 days) plus applicable interest and to require payment of total case costs incurred in the amount of \$61.79. MOTION CARRIED UNANIMOUSLY.

B. HEARING IMPOSING PENALTY

18-67917 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondents: Frank & Katharine Gorman

Address of Violation: 2838 Deborah Drive

Violation of Chapter 6, Section 6-11 (a) (c) (1) (2) Storage of Boat

Violation of Chapter 9, Section 9-2 (a), (e) Storage of Boat, Un-registered Boat

- Mr. McDaniel displayed several photographs of the subject property, located within City limits, providing a detailed review of events surrounding the case and the Board's actions dating to May 23, 2018. He confirmed the property had been in non-compliance for an additional 24 days from June 3, 2018, to June 26, 2018. He submitted an invoice for total case costs incurred of \$54.67.
- Mr. Brennan confirmed this was the same sailboat which had been submerged.
- Mr. Bauman MOVED, Mr. Poitras SECONDED to find the respondent continued to be in violation of the Board's Order, to impose a fine of \$4,800 (\$200 per day for 24 days) plus applicable interest and to require payment of total case costs incurred in the amount of \$54.67. MOTION CARRIED UNANIMOUSLY.
- City Attorney Levin stated the City might have found an individual with an interest in the upland property in Collier County; therefore, the City was going to place a lien against the property in Collier County.
- Mr. Chalifoux questioned if there were costs incurred in righting the vessel.
- City Attorney Levin replied in the affirmative, stating same were included in the liens.
- Mr. Brennan noted the hatch had remained open for a lengthy period of time, suggesting the inside likely was rotting. He questioned if the City could advertise the boat.
- City Attorney Levin replied in the negative, explaining the City had no rights to the vessel.

STAFF COMMENTS

- Mr. McCarty thanked Lieutenant Mark Bala, Punta Gorda Police Department, for his attendance at recent meetings. He then noted no liens had been recorded for three months. He announced Mr. McDaniel completed certification as a Code Officer.
- A. July 25, 2018 Code Enforcement Board meeting is cancelled due to scheduled construction in the City Council Chambers
- Mr. McCarty advised the August 21, 2018, meeting would occur on a Tuesday.

COMMITTEE/BOARD COMMENTS

- Mr. Heggan questioned the placement of the dock in relation to the property at 2838 Deborah Drive.
- Mr. Chalifoux clarified the vessel was previously sunken, suggesting possible permitting issues would be explored when the property sold.
- Mr. Bauman recalled documentation which showed the boat was over the property line.
- Mr. Burrage questioned if Winter Park Dodge would remain in foreclosure indefinitely.
- City Attorney Levin replied in the affirmative; however, Mr. William Plattner could submit another offer at any time. He noted his obligation to present all offers.

ADJOURNMENT

- Meeting Adjourned: 10: 52 a.m.

John Chalifoux, Chairman

Sara Welch, Recording Secretary