

**CODE ENFORCEMENT BOARD
MEETING
AUGUST 21, 2018**

MEMBERS PRESENT: John Chalifoux, Chairman
Henry Bauman, Trudi Baxter, John Burrage,
Timothy Heggan, Vic Poitras

MEMBERS ABSENT: William Brennan, Vincent Lanza

OTHERS PRESENT: Nick Falkner, Code Compliance Officer
Allen McDaniel, Code Compliance Officer
Lavosia Price, Code Compliance Officer
City Attorney David Levin
David McCarty, Code Compliance Supervisor
Lisa Hannon, Zoning Official
Norman Ashworth

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- 1. Roll Call
- B. Next Scheduled Meeting
- 1. September 26, 2018

APPROVAL OF MINUTES

- A. June 27, 2018
- Mr. Burrage MOVED, Mr. Poitras SECONDED approval of the June 27, 2018 minutes.
MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- Recording Secretary Welch swore in all participants.
- A. 18-68236 - CODE COMPLIANCE OFFICER - NICK FALKNER
- Respondent: Brian Ross Orme Life Estate
- Address of Violation: 419 San Marie Drive
- Violation of Chapter 9, Section 9-2 (d) Inoperative Vehicle
- Violation of Chapter 9, Section 9-2 (a) Outdoor Storage
- Violation of Chapter 26, Section 8.14 (b) Outdoor Storage
- 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 respondent.
- Mr. Nick Falkner, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, stating a May 17, 2018, inspection found an inoperative recreational vehicle (RV) parked on the property as well as outdoor storage. He reviewed the City's efforts to bring the property into compliance, noting reinspection

on June 14, 2018, found the outdoor storage was addressed, but not the RV. He stated reinspection on June 27, 2018, found the RV remained, tall grass and/or weeds were present and outdoor storage had resumed. He concluded reinspection on August 20, 2018, found the RV had been removed; however, the other violations remained. He then submitted an invoice for case costs incurred in the amount of \$12.09.

- Mr. Poitras MOVED, Mr. Burrage SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Chalifoux confirmed the subject property had been cited previously.
- Mr. Falkner clarified a Cease and Desist Order had not been issued as some of the violations were not repeat violations.
- 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 10 days and to require payment of case costs incurred in the amount of \$12.09 within 10 days, subject to a fine of up to \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

B. 18-68452 - CODE COMPLIANCE OFFICER - NICK FALKNER

Respondent: Dean & Margaret Stainton

Address of Violation: 123 East Retta Esplanade

Violation of Chapter 10, Section 10-7 Dumpster Accessibility

Violation of Chapter 10, Section 10-10 (e) Unsanitary Condition

- Mr. Chalifoux entered a plea of not guilty on behalf of the absent respondent.
- Mr. Falkner displayed several photographs of the subject property, located within City limits, stating a June 14, 2017, inspection found indentions and/or grooves in the pavement in front of the dumpster enclosure, and the doors to same were not maintained so as to be free from dirt, mold, paint or other discolored substances. He reviewed the City's efforts to bring the property into compliance, noting reinspection on July 9, 2018, found the violations had not been addressed. He explained reinspection on July 26, 2018, found the indentions had been filled; however, the doors to the dumpster enclosure were still in violation. He concluded reinspection on August 20, 2018, found the dumpster enclosure's doors remained out of compliance, then submitting an invoice for case costs incurred in the amount of \$11.94.
- Mr. Poitras MOVED, Mr. Burrage SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Poitras questioned which business was located at the subject property.
- Mr. Falkner responded Dean's South of the Border.

- Mr. Chalifoux commented the dumpster at Hurricane Charley's was in worse condition, and drainage near same was poor.
- Mr. Allen McDaniel, Code Compliance Officer, responded there was an open case with Hurricane Charley's regarding same.
- 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 10 days and to require payment of case costs incurred in the amount of \$11.94 within 10 days, subject to a fine of up to \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

C. 18-67993 - CODE COMPLIANCE OFFICER - LAVOSIA PRICE JR

Respondent: Kite Realty Group Burnt Store, LLC

Address of Violation: 3941 Tamiami Trail

Violation of Chapter 9, Section 9-2 (h) Public Nuisance -Tall Grass/Weeds

- Mr. Chalifoux entered a plea of not guilty on behalf of the absent respondent.
- Mr. Lavosia Price, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, stating a May 10, 2018, inspection found dense wild overgrowth of tall grass and/or weeds in excess of 12 inches in height in the area of the retention pond and southern parking lot. He reviewed the City's efforts to bring the property into compliance, noting a July 12, 2018, reinspection found the tall grass in the area of the retention pond had been maintained, but the other area had not. He concluded reinspection on August 20, 2018, found the property remained out of compliance, then submitting 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. Bauman remarked Home Depot was located at this address.
- 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 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.

UNFINISHED BUSINESS

A. HEARING IMPOSING PENALTY REPEAT VIOLATION

18-68549 – CODE COMPLIANCE OFFICER – NICK FALKNER

Respondent: Clara S. Flack, Trustee

Responsible Party: Wraymond Saulsberry

Address of Repeat Violation: 517 Wood St

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

- Mr. Falkner displayed several photographs of the subject property, located within City limits, reviewing the history of the Board’s actions regarding the property dating back to May 26, 2016. He announced the property was initially brought into compliance on January 6, 2017, noting a June 18, 2018, inspection found tall grass and/or weeds throughout; therefore, the property was in repeat violation. He stated reinspection on August 20, 2018, found the violation had remained for 64 days from June 18, 2018, to August 20, 2018, then submitting an invoice for total case costs incurred in the amount of \$27.67.
- Mr. Chalifoux questioned if this property had outstanding fines.
- Mr. Falkner replied in the negative, explaining the previous fine was reduced by the Board and paid on March 3, 2017.
- Mr. Poitras questioned if the property owner was local.
- Mr. Falkner replied affirmatively, stating he resided at the subject property.
- Discussion ensued with regard to an appropriate daily fine.
- Mr. Burrage MOVED, Ms. Baxter SECONDED to find the respondent in repeat violation, to impose a fine of \$6,400, representing a fine of \$100 per day for 64 days and to require payment of total case costs incurred in the amount of \$27.67. MOTION CARRIED UNANIMOUSLY.

B. HEARING IMPOSING PENALTY

17-65082 – CODE COMPLIANCE OFFICER – NICK FALKNER

Respondent: Beverly A. Miller

Address of Violation: 510 Philodendron

Violation of Chapter 26, Section 8.11 (b)

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

- Mr. Falkner 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 back to January 24, 2018, and March 28, 2018. He stated an inspection on August 20, 2018, found the property remained out of compliance for an additional 145 days

from March 29, 2018, to August 20, 2018. He then submitted an invoice for additional case costs incurred in the amount of \$64.

- Mr. Bauman questioned what action would gain the property owner's attention.
- Mr. Falkner responded the property was for sale, and the realtor had urged the property owner to bring the property into compliance.
- Mr. Bauman MOVED, Ms. Baxter SECONDED to find the respondent continued to be in violation of the Board's Order, to impose a fine of \$29,000 (\$200 per day for 145 days) plus applicable interest and to require payment of total case costs incurred in the amount of \$64. MOTION CARRIED UNANIMOUSLY.

C. HEARING IMPOSING PENALTY

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. Falkner 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 back to June 27, 2018. He stated reinspection on August 20, 2018, found the property remained out of compliance for 40 days from July 12, 2018, to August 20, 2018. He requested the Board authorize the City to enter the property to abate the violations, then submitting an invoice for total case costs incurred in the amount of \$68.47.
- Mr. Chalifoux remarked the mowing appeared sporadic.
- Mr. Falkner stated the area near the street could not be mowed on July 26, 2018, due to standing water.
- City Attorney Levin advised the occupant resisted his sister's efforts to bring the property into compliance; therefore, the City would take action to remedy the violations.
- Mr. Poitras questioned if the occupant was part of the family.
- City Attorney Levin replied in the affirmative, noting the mother, who was the owner of record, lived in an assisted living facility.
- Mr. Bauman questioned if authorization to enter the property would continue.
- City Attorney Levin replied the Board could authorize the City to continue to maintain the property at the City's discretion.
- Mr. Bauman MOVED, Mr. Burrage SECONDED to find the respondent continued to be in violation of the Board's Order, to impose a fine of \$4,000 (\$100 per day for 40 days)

plus applicable interest, to authorize the City to enter the property as needed to abate present and future violations and to require payment of total case costs incurred in the amount of \$68.47. MOTION CARRIED UNANIMOUSLY.

D. HEARING IMPOSING PENALTY

18-67532 - CODE COMPLIANCE OFFICER - ALLEN MCDANIEL

Respondents: James C. Flayler & Pamela W. Jackson

Address of Violation: 2730 Bay Ct

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

- Mr. Burrage MOVED, Mr. Poitras SECONDED to dismiss Case #18-67532. MOTION CARRIED UNANIMOUSLY.

STAFF COMMENTS

- Mr. David McCarty, Code Compliance Supervisor, reviewed a list of liens recorded for three months, as delineated in the agenda material.
- Mr. Chalifoux questioned if fines continued to accrue against 2838 Deborah Drive.
- Mr. McCarty responded the fines for Case #17-65456 had stopped running as the violation had been corrected; however, interest continued to accrue. He stated Case #18-67917 would likely be included on the September 26, 2018, agenda.

COMMITTEE/BOARD COMMENTS

- Mr. Poitras requested an update regarding the case against 1601 Tamiami Trail.
- City Attorney Levin replied an offer would be considered by City Council on August 22, 2018.
- Mr. Chalifoux thanked staff for their work in resolving cases before they came to the Board.

Note: Item A was heard following Item B, Call to Order/Announcements.

A. Presentation of Plaque for Norman Ashworth

- Mr. Poitras presented former member Mr. Norman Ashworth with a plaque, recognizing his service as a member of the Board.
- Mr. Ashworth thanked staff for their work in support of the Board.

ADJOURNMENT

- Meeting Adjourned: 9:55 a.m.

John Chalifoux, Chairman

Sara Welch, Recording Secretary