

**CODE ENFORCEMENT BOARD
MEETING
OCTOBER 24, 2018**

MEMBERS PRESENT: Vic Poitras, Acting Chairman
Henry Bauman, Trudi Baxter, William Brennan,
John Burrage, John Chalifoux, Jim Lanza

OTHERS PRESENT: Allen McDaniel, Code Compliance Officer
David McCarty, Code Compliance Supervisor
Nick Falkner, Code Compliance Officer
City Attorney David Levin
Lavosia Price, Code Compliance Officer
Amer Asmar

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
- 1. November 28, 2018

APPROVAL OF MINUTES

- A. September 26, 2018
- Mr. Chalifoux MOVED, Ms. Baxter SECONDED to approve the September 26, 2018 minutes. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- A. 18-69056 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL
 - Respondents: Punta Gorda AA Hotel, LLC
 - Registered Agent: Amer Asmar
 - Address of Violation: 300 West Retta Esplanade
 - Violation of Chapter 9, Section 9-12 (e) Auxiliary Structures
 - Violation of Chapter 26, Section 8.5 (b) (2) f Dumpster Enclosure in Disrepair
 - Violation of Chapter 26, Section 10.2 (h) Driveway and Curbing in Disrepair
 - Violation of Chapter 26, Section 10.3 (d) Driveway and Curbing in Disrepair
 - Violation of Chapter 9, Section 9-2 (a), (g), (h) Public Nuisance
 - Violation of Chapter 26, Section 8.14 (b) Nuisances Dangerous Condition
 - Violation of Chapter 26, Section 8.11 (c), (d), (e) 1, 2, 3 (f) Property Maintenance
 - Mr. Amer Asmar, registered agent, 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 August 6, 2018, inspection found the dock structure, dumpster enclosure, driveway and curbing in a state of disrepair in addition to stagnant water and outdoor storage. He reviewed the City's efforts to bring

the property into compliance, noting reinspection on September 10, 2018, found the previous violations remained as well as the following new violations: curb stops in disrepair; tree stumps; bare soils; trees and landscaped areas which had not been trimmed/maintained; dead tree limbs; trash and debris throughout the property; debris, algae, mold and dirt on the structure and brick pavers. He stated reinspection on October 23, 2018, found the violations had been addressed with the exception of the violations associated with the dumpster enclosure gate and the tree stumps. He then submitted an invoice for case costs incurred in the amount of \$32.20.

- Mr. Chalifoux MOVED, Ms. Baxter SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Poitras inquired as to any Cease & Desist Orders for this property.
- Mr. David McCarty, Code Compliance Supervisor, replied Cease & Desist Orders had been issued for the dumpster enclosure and the parking lot around same; however, new violations were issued so they could be addressed concurrent with the violations which did not have Cease & Desist Orders.
- Mr. Asmar stated the dock structure had been damaged during Hurricane Irma, explaining he did not wish to rebuild the dock as he intended to build a marina. He noted the City Manager advised removal of the dock's debris would be satisfactory, stating new gates were ordered and should be installed the following week.
- Mr. Chalifoux questioned if same satisfied the Code Compliance Division.
- Mr. McDaniel replied the gates were satisfactory; however, three tree stumps remained in violation.
- Mr. Chalifoux inquired as to the length of time required to achieve compliance.
- Mr. Asmar replied two weeks.
- Mr. Bauman spoke in favor of continuing this item.
- Mr. Chalifoux suggested the Board find the property to be in violation and provide time for correction.
- Mr. Chalifoux MOVED, Mr. Burrage SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations, to order the property to be brought into compliance within 30 days and to require payment of case costs incurred in the amount of \$32.20 within 14 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

- B. 18-68844 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE JR
 Respondent: David G. Cook
 Address of Violation: 315 Fitzhugh Avenue
 Violation of Chapter 9, Section 9-2 (h) Landscape Debris
 - Mr. Burrage MOVED, Mr. Bauman SECONDED to dismiss Case #18-68844. MOTION CARRIED UNANIMOUSLY.
- C. 18-68611 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL
 Respondents: Robert V. & Patricia K. Apel
 Address of Violation: 2874 Coral Way
 Violation of Chapter 26, Section 8.11 (c), (e), (f) Landscape Maintenance
 Violation of Chapter 9, Section 9-2 (a) Outdoor Storage
 Violation of Chapter 26, Section 8.14 (b) Outdoor Storage
 - Mr. Bauman MOVED, Mr. Chalifoux SECONDED to dismiss Case #18-68611. MOTION CARRIED UNANIMOUSLY.
- D. 18-69606 – CODE COMPLIANCE OFFICER – NICK FALKNER
 Respondent: Margaret Riggs (deceased)
 Responsible Party: Wayne Riggs
 Heirs: John Riggs, Don Riggs, Clarke Riggs & Linda Hale
 Address of Violation: 329 Burland Street
 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. Poitras 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 September 17, 2018, inspection found tall grass and/or weeds in addition to outdoor storage. He reviewed the City’s efforts to bring the property into compliance, noting reinspection on September 25, 2018, found the violations had not been corrected. He stated reinspection on October 23, 2018, found the property remained in violation, then submitting an invoice for case costs incurred in the amount of \$24.91.
 - Ms. Baxter MOVED, Mr. Lanza SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Mr. Poitras inquired as to who was responsible in this case.
 - Mr. Falkner replied Mr. Wayne Riggs as he was the occupant.
 - City Attorney Levin confirmed the City could bring a case against the occupant.
 - Mr. Bauman asked if Mr. Falkner had contacted the occupant in person.

- Mr. Falkner replied in the negative.
- Mr. Burrage MOVED, Mr. Bauman SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations, to order the property to be brought into compliance within 14 days and to require payment of case costs incurred in the amount of \$24.91 within 14 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

E. 18-66865 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE JR

Respondent: Margaret Riggs (Deceased)
 Responsible Party: Wayne Riggs
 Heirs: John Riggs, Don Riggs, Clarke Riggs & Linda Hale
 Address of Violation: 319 Burland Street

Violation of Chapter 26, Section 8.11 (e) 2, 3 Property Maintenance – Tree Stump
 Violation of Chapter 9, Section 9-2 (h) Public Nuisance

- Mr. Poitras entered a plea of not guilty on behalf of the absent respondent.
- Mr. Price displayed several photographs of the subject property, located within City limits, stating a June 4, 2018, inspection found a tree stump above existing grade. He reviewed the City’s efforts to bring the property into compliance, noting reinspection on September 12, 2018, found tall grass and/or weeds in addition to the initial violation, noting reinspection on September 25, 2018, found the tall grass and/or weeds had been corrected; however, the tree stump remained. He stated reinspection on October 23, 2018, found the property remained in violation, then submitting an invoice for case costs incurred in the amount of \$35.24.
- Mr. Bauman MOVED, Mr. Brennan SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Price advised Mr. Riggs continued to work to remedy the violations, noting he was in the process of removing the stump.
- Mr. Brennan MOVED, Mr. Burrage SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations, to order the property to be brought into compliance within 15 days and to require payment of case costs incurred in the amount of \$35.24 within 15 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

STAFF COMMENTS

- City Attorney Levin explained Code Compliance Officers were not law enforcement officers and had no means of self-protection; thus, respondents were contacted by mail and telephone.

- Mr. McCarty reviewed a list of liens recorded over the past three months, as delineated in the agenda material. He announced the Procurement Division was in the process of obtaining quotes for removal of the vessel at Deborah Drive, noting a lien payoff had been requested. He stated he had obtained an email address for Ms. Katharine Gorman; however, she had not responded to the City's request for permission to remove the boat.
- Mr. Chalifoux confirmed Mr. Douglas Plattner had not presented another settlement offer.

CITIZENS' COMMENTS

- A. Presentation of Plaque for Vic Poitras
 - Mr. Chalifoux presented Mr. Poitras with a plaque in recognition of his service as a Board member for nine years.
 - Mr. Poitras spoke regarding his experiences on the Board, commending staff for their efforts in resolving violations.
- B. Presentation of Plaque for Trudi Baxter
 - Mr. Chalifoux presented Ms. Baxter a plaque in recognition of her service as a Board member for three years.
 - Ms. Baxter commented favorably on her experience as a Board member, thanking staff and her fellow members for their work.

ADJOURNMENT

- Meeting Adjourned: 9:47 a.m.

Vic Poitras, Acting Chairman

Sara Welch, Recording Secretary