

**CODE ENFORCEMENT BOARD  
MEETING  
MAY 22, 2019**

**MEMBERS PRESENT:** John Chalifoux, Chairman  
William Brennan, John Burrage, Nora Giardina,  
Timothy Heggan, Paul Sacilotto, Edward Weiner

**MEMBERS ABSENT:** Henry Bauman

**OTHERS PRESENT:** City Attorney David Levin  
Joan LeBeau, Urban Design Manager  
Lisa Hannon, Zoning Official  
David McCarty, Code Compliance Supervisor  
Jennifer Daumann, Executive Assistant  
Allen McDaniel, Code Compliance Officer  
Lavosia Price, Code Compliance Officer  
Nick Falkner, Code Compliance Officer  
Brian Rommel, Amer Asmar, Bob McCurry

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting
  - 1. June 26, 2019

**APPROVAL OF MINUTES**

- A. April 24, 2019
  - Mr. Burrage MOVED, Ms. Giardina SECONDED approval of the April 24, 2019 minutes.  
MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

- Recording Secretary Pues swore in all participants.
- A. 19-71521 - CODE COMPLIANCE OFFICER - ALLEN MCDANIEL
  - Respondents: Ariel Popper
  - Address of Violation: 233 Harvey Street
  - Violations of Chapter 26, Section 8.11 (e), (f) Property Maintenance; and Chapter 9, Section 9-2 (h) Tall Grass and/or Weeds.
  - Mr. Chalifoux entered a plea of not guilty on behalf of the absent respondent.
  - Mr. Allen McDaniel, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, noting an inspection on March 12, 2019, found dead landscape debris, tall grass and weeds and overgrown trees and shrubs. He reviewed the City's efforts to bring the property into compliance, stating an inspection on April 15, 2019 found the violations had not been corrected; however, an inspection on May 21, 2019, found the property was in compliance. He requested a Cease and

Desist Order for future violations and submitted an invoice for case costs incurred in the amount of \$12.15.

- Mr. Weiner MOVED, Mr. Burrage SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Chalifoux noted several violations regarding the property had been brought before the Board previously.
- Mr. McDaniel stated those cases were related to different violations; therefore, there was no repeat violation.
- Mr. Burrage MOVED, Mr. Weiner SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require payment of case costs incurred in the amount of \$12.15 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

B. 18-69686 - CODE COMPLIANCE SUPERVISOR - DAVID MCCARTY

Respondents: Donald Royston, Est. (Deceased)

Personal Representative: Leona Kundert

Address of Violation: 4062 San Massimo Drive

Violation of Chapter 26, Section 8.11 (a) Property Maintenance - Roof.

- Mr. David McCarty, Code Compliance Supervisor, stated a permit for a new roof was submitted, requesting dismissal.
- Mr. Weiner MOVED, Mr. Sacilotto SECONDED to dismiss Case #18-69686. MOTION CARRIED UNANIMOUSLY.

C. 19-71627 - CODE COMPLIANCE OFFICER - ALLEN MCDANIEL

Respondents: Brian Rommel

Address of Violation: 228 West Ann Street

Violation of Chapter 9, Section 9-2 (h) Tall Grass and/or Weeds.

- Mr. Brian Rommel, respondent, entered a plea of not guilty.
- Mr. McDaniel displayed several photographs of the subject property, located within City limits, noting an inspection on March 5, 2019, found tall grass and/or weeds throughout the property. He reviewed the City's efforts to bring the property into compliance, noting an inspection on March 19, 2019, found the violation continued to exist. He stated an inspection on March 28, 2019, revealed the violation was corrected; however, a new violation of tall grass and/or weeds along the property's fence line and driveway was discovered. He reported inspections on April 5, 2019, April 18, 2019, and April 25, 2019, found the violation continued to exist; however, an inspection on May 21, 2019, found the property was in compliance. He requested a Cease and Desist

Order for future violations and submitted an invoice for case costs incurred in the amount of \$31.77.

- Mr. Burrage MOVED, Mr. Brennan SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Rommel asserted he addressed all violations promptly, stating he would try to bring same into compliance more quickly in the future.
- Mr. Burrage MOVED, Mr. Brennan SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require payment of case costs incurred in the amount of \$31.77 within 7 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

D. 19-71211 - CODE COMPLIANCE OFFICER - LAVOSIA PRICE, JR.

Respondents: Beaver Meadows, LLC

Address of Violation: 1605 Appian Drive

Violations of Chapter 26, Section 8.11 (e) 2 Property Maintenance - Tree; and Chapter 9, Section 9-2 (b) Gravel Dirt; and Chapter 26, Section 8.11 (e) 3 Exposed Soils.

- 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 an inspection on March 6, 2019, found various tree stumps and rocks located throughout the property. He reviewed the City's efforts to bring the property into compliance, noting an inspection on March 20, 2019, found the tree stumps and rocks had been removed; however, areas of exposed soil existed. He reported inspections on April 30, 2019, and May 21, 2019, revealed the violation had not been corrected. He then submitted an invoice for case costs incurred in the amount of \$19.76.
- Mr. Weiner MOVED, Mr. Brennan SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Burrage inquired as to any contact with the respondent.
- Mr. Price replied he spoke with the respondent on March 20, 2019, explaining the respondent was out of town and requested more time to bring the property into compliance; however, he had not heard from the respondent since that time.
- Mr. Chalifoux opined the respondent had been given sufficient time to address the violation, expressing concern exposed soils would wash into the canals during the rainy season.
- Mr. Weiner MOVED, Mr. Burrage SECONDED to find the respondent guilty, to issue a Cease & 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 \$19.76 within 10 days. MOTION CARRIED UNANIMOUSLY.

**UNFINISHED BUSINESS**

A. 19-70872 - CODE COMPLIANCE OFFICER - ALLEN MCDANIEL

Respondents: Peter J. & Maria E. Glanton, Trs

Address of Violation: 2917 Ryan Boulevard

Violation of Chapter 26, Section 8.11 (a) Property Maintenance.

- Mr. McDaniel stated the property was in compliance, calling for dismissal.
- Mr. Burrage MOVED, Mr. Brennan SECONDED to dismiss Case #19-70872. MOTION CARRIED UNANIMOUSLY.

B. HEARING IMPOSING PENALTY - REPEAT VIOLATION

19-71736 - CODE COMPLIANCE OFFICER - ALLEN MCDANIEL

Respondents: Punta Gorda AA Hotel, LLC

Registered Agent: % Amer Asmar

Address of Repeat Violation: 300 West Retta Esplanade

Repeat Violations of Chapter 9, Section 9-2 (a); and Chapter 9, Section 9-2 (g); and Chapter 9, Section 9-2 (h) Public Nuisance; and Chapter 26, Section 10.2 (h) Driveway and Curbing in Disrepair.

- Mr. McDaniel provided a brief history of the subject property, noting the case had been continued from the April 24, 2019 meeting. He stated on May 2, 2019, a building permit for a new dumpster enclosure was approved; however, an inspection on May 21, 2019, found the driveway dumpster enclosure in a state of disrepair, multiple potholes, stagnant and greasy water, dirt and gravel accumulated on the driveway and trash and debris on the property. He noted the approved permit had not been paid for or picked up. He concluded the property had been in noncompliance for 70 days from March 13, 2019, to May 21, 2019, submitting an invoice in the amount of \$35.00 for case costs incurred.
- Mr. Amer Asmar, registered agent, stated he was in the process of hiring a contractor, requesting an additional four to eight weeks to bring the property into compliance.
- City Attorney Levin expressed opposition to further continuance, requesting a penalty be imposed.
- Mr. Asmer opined he was having difficulty hiring a contractor.
- Mr. Brennan confirmed prior fines had been paid the previous day.
- Discussion ensued regarding plans for relocation of the dumpster, repair of the Florida Department of Transportation's right of way and the location of grease traps associated with the hotel and restaurant.

- Mr. Brennan MOVED, Mr. Heggan SECONDED to find the respondent in repeat violation, to impose a fine of \$7,000, representing a fine of \$100 per day for 70 days, plus applicable interest, and to require payment of total case costs incurred in the amount of \$35.00.
- Ms. Giardina voiced opposition to the motion as the respondent had made some effort to bring the property into compliance. She expressed preference to impose a higher fine going forward from this date.
- City Attorney Levin advised a future penalty could not be imposed at this time, reviewing the process to impose fines.
- Mr. Bob McCurry, respondent's representative, requested the Board take into consideration progress made toward compliance.
- VOTING AYE: Chalifoux, Brennan, Burrage, Giardina, Heggan, Sacilotto.
- VOTING NAY: Weiner.
- MOTION CARRIED.
- Mr. Asmer questioned if he could appeal the fine.
- City Attorney Levin replied a fine reduction could be requested once the violation was corrected; however, he would need to appeal the fine with the Charlotte County Circuit Court.

**STAFF COMMENTS**

- Mr. McCarty reported no liens had been recorded for three months. He announced the Code Compliance Division had begun cross training employees.

**COMMITTEE/BOARD COMMENTS**

- Ms. Giardina questioned when the previously discussed training session for members would occur.
- City Attorney Levin replied during the July 2019 meeting.

**ADJOURNMENT**

- Meeting Adjourned: 10:02 a.m.

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John Chalifoux, Chairman

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Leah Pues, Recording Secretary