

**CODE ENFORCEMENT BOARD  
MEETING  
JUNE 26, 2019**

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

**MEMBERS ABSENT:** Henry Bauman, John Chalifoux

**OTHERS PRESENT:** City Attorney David Levin  
Lisa Hannon, Zoning Official  
David McCarty, Code Compliance Supervisor  
Lavosia Price, Code Compliance Officer  
Allen McDaniel, Code Compliance Officer  
Nick Falkner, Code Compliance Officer  
Jennifer Daumann, Executive Assistant  
Jackson Mammon, John Gamble

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting
  - 1. July 24, 2019

**APPROVAL OF MINUTES**

- A. May 22, 2019
  - Mr. Weiner MOVED, Ms. Giardina SECONDED approval of the May 22, 2019 minutes.  
MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

- Recording Secretary Pues swore in all participants.

**Note: Case #19- 72410 was heard following Case #19- 71211.**

- A. 19-72410 - CODE COMPLIANCE SUPERVISOR - DAVID MCCARTY

Respondents: Keller Williams Realty Peace River Partners, Peace River  
Partners Realty, LLC, % James P. Quinn, Registered Agent

Property Owner: Wilbur E. Englehardt, Trustee

Address of Violation: 3512 Whip-Poor-Will Boulevard

Violations of Chapter 26, Section 11.8 (d) (1), (2) Signs in Right-of-Way; and Chapter 26, Section 3.13 (s) (1) a, b, c Real Estate Signs.

- Mr. David McCarty, Code Compliance Supervisor, stated the complainant and respondent were not present, requesting the case be dismissed.

- City Attorney David Levin explained the violation was not witnessed by staff; therefore, the case should be dismissed as the complainant was not in attendance to present evidence.
- Mr. Heggan MOVED, Mr. Sacilotto SECONDED to dismiss Case #19-72410. MOTION CARRIED UNANIMOUSLY.

**Note: Case #19- 72321 was heard following Approval of Minutes.**

**B. 19-72321 - CODE COMPLIANCE OFFICER - NICK FALKNER**

Respondents: Cheryl R. & Leroy McDaniel

Address of Violation: 550 Corto Andra Street

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

- Mr. Nick Falkner, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, noting an inspection on May 6, 2019, found tall grass and/or weeds throughout the property. He reviewed the City's efforts to bring the property into compliance, stating an inspection on May 16, 2019, found the violations had not been corrected; however, an inspection on June 25, 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 \$11.85.
- Mr. Burrage entered a plea of not guilty on behalf of the absent respondent.
- Mr. Sacilotto MOVED, Mr. Weiner SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Weiner MOVED, Mr. Heggan 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 \$11.85 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

**C. 19-71409 - CODE COMPLIANCE OFFICER - NICK FALKNER**

Respondents: Gary E. Wehner, Tr., Est.,

Personal Representative: Sue Ellen Wehner

Address of Violation: 590 Madrid Boulevard

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

- Mr. Falkner displayed several photographs of the subject property, located within City limits, stating a February 14, 2019, inspection found more than 20% of the roof was not maintained to be free from dirt and mold. He reviewed the City's efforts to bring the property into compliance, noting inspections on March 25, 2019, May 28, 2019, and June 25, 2019, found the violation continued to exist. He then submitted an invoice for case costs incurred in the amount of \$24.37.

- Mr. Brennan MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Burrage entered a plea of not guilty on behalf of the absent respondent.
- Mr. Weiner inquired as to any contact with the respondent.
- Mr. Falkner replied the respondent was out of state and would be working with neighbors to bring the property into compliance; however, he had not heard from the respondent since May 30, 2019.
- Mr. Heggan MOVED, Mr. Weiner 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 \$24.37 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

D. 19-72513 - CODE COMPLIANCE EXECUTIVE ASSISTANT - JENNIFER DAUMANN

Respondents: Sunloft, LLC, % CAM Realty

Address of Violation: 201 W Marion Avenue

Violations of Chapter 9, Section 9-2 (h) Stagnant Water; and Chapter 9, Section 9-12 (e) Accessory Structures.

- Ms. Jennifer Daumann, Executive Assistant, displayed several photographs of the subject property, located within City limits, stating inspection on May 15, 2019 found the driveway and sidewalk on the subject property was discolored or stained by standing water. She reviewed the City's efforts to bring the property into compliance, noting inspections on May 31, 2019, and June 25, 2019, found the violation continued to exist. She noted on June 4, 2019, Mr. Jackson Mammon from CAM Realty informed staff they were working on an environmentally acceptable solution to drain the dirty, greasy water which he had asserted was mostly from Leroy's Restaurant dumpster and storage area. She submitted an invoice for case costs incurred in the amount of \$23.70.
- Mr. Brennan MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Mammon entered a plea of not guilty, explained the stains were being pressure washed with chemicals and degreaser; however, he voiced concern regarding possible fines from the Florida Environmental Protection Agency related to wastewater entering the City's storm drain. He stated one option was laying down a water bladder to encase the area and force the water back into the grease trap. He concluded the stains were cleaned on June 25, 2019; however, it was an ongoing issue.

- Discussion ensued regarding possible solutions to eliminate the standing water and dumpster leakage.
  - Ms. Giardina MOVED, Mr. Heggan 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 \$23.70 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.
- E. 19-72023 - CODE COMPLIANCE OFFICER - LAVOSIA PRICE, JR.
- Respondents: William & Darla Shine
- Address of Violation: 2524 Padre Island Drive
- Violation of Chapter 26, Section 12.4 (k) Unoccupied Lot Areas.
- Mr. Lavosia Price, Code Compliance Officer, requested to continue the case to the July 24, 2019 meeting.
  - Mr. Brennan MOVED, Mr. Heggan SECONDED to continue Case #19-72023 to the July 24, 2019 meeting. MOTION CARRIED UNANIMOUSLY.

**UNFINISHED BUSINESS**

- A. REQUEST FOR FINE REDUCTION
- 14-51852 - CODE COMPLIANCE OFFICER - NICK FALKNER
- Respondents: Tuscan Lodge No. 92 % John H. Gamble
- Address of Violation: 629 E. Charlotte Avenue
- Violations of Chapter 26, Section 8.11 (c), (e) Tall Grass and/or Weeds; and Chapter 26, Section 8.11 (g) Outdoor Storage; and Chapter 26, Section 8.11 (a) Exterior Walls Discolored/Mildewed; and Chapter 26, Section 8.11 (b) Missing & Plywood Covered Windows.
- 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 March 26, 2014. He announced Mr. Gamble had requested a fine reduction in the amount of \$6,911.62, explaining the lien would remain valid if any remaining fine amount was not paid within the timeframe ordered by the Board. He concluded the property was in compliance and submitted an invoice for case costs incurred in the amount of \$26.65.
  - Mr. John Gamble, respondent, stated his health prevented him from correcting the violations more quickly, requesting the Board reduce the fine as the property had been in compliance since April 2019.
  - Ms. Giardina MOVED, Mr. Brennan SECONDED to approve the fine reduction of \$6,911.62 plus interest to \$1.00 and to require full payment including case costs

incurred in the amount of \$26.65 within ten days, or the remaining unpaid fine in the amount of \$6911.62 plus 4.75% applicable interest shall remain valid.

- VOTING AYE: Brennan, Burrage, Giardina, Sacilotto
- VOTING NAY: Heggan, Weiner
- MOTION CARRIED.

B. REQUEST FOR FINE REDUCTION

18-69983 - CODE COMPLIANCE OFFICER - NICK FALKNER

Respondent: Tuscan Lodge No. 92, % John H. Gamble

Address of Violation: 629 East Charlotte Avenue

Violations of Chapter 26, Section 8.11 (c) Tall Grass and/or Weeds; and Chapter 9, Section 9-12 (a) 1, 2, (b) 1, (g) Property Maintenance; and Chapter 9, Section 9-2 (g) Public Nuisance Danger Blight.

- Mr. Falkner displayed several photographs of the subject property, located within City limits, providing a review of events surrounding the case and the Board's actions dating back to February 27, 2019, stating the Board had imposed a penalty of \$1,750 plus applicable interest and requested payment of case costs in the amount of \$32.50. He announced Mr. Gamble had requested a fine reduction in the amount of \$1,782.50, explaining the lien would remain valid if any remaining fine amount was not paid within the timeframe ordered by the Board. He concluded the property was in compliance and submitted an invoice for case costs incurred in the amount of \$27.10.
- Mr. Burrage confirmed Mr. Gamble did not have testimony to add beyond his comments from the previous item.
- Mr. Weiner spoke against a large reduction of fines, inquiring as to how costs related to staff's time would be recovered.
- City Attorney Levin replied staff's time was not a recoverable cost pursuant to State Statute.
- Mr. Weiner MOVED, Mr. Brennan SECONDED to approve the request for fine reduction in the amount of \$1,782.50 plus applicable interest to \$1.00, and to require payment, including case costs incurred in the amount of \$27.10, within 10 days or the original fine would remain valid.
- VOTING AYE: Brennan, Burrage, Giardina, Heggan, Sacilotto
- VOTING NAY: Weiner
- MOTION CARRIED.

C. REQUEST FOR FINE REDUCTION

09-38638 - CODE COMPLIANCE OFFICER - NICK FALKNER

Respondent: Sylvia Ware Longmire

Authorized Representative: Ira Ware

Address of Violation: 520 Ida Avenue

Violation of Chapter 26, Section 8.26 Temporary Structure.

- Mr. McCarty stated the requests for fine reduction related to Cases #09-38638, #10-38950 and #18-69199 could not be heard this date as the property was in violation.
- Ms. Giardina MOVED, Mr. Heggan SECONDED to deny the request for fine reduction and to order the remaining unpaid fine in the amount of \$25.00 remain valid. MOTION CARRIED UNANIMOUSLY.

D. 10-38950 - CODE COMPLIANCE OFFICER - NICK FALKNER

Respondent: Sylvia Ware Longmire

Authorized Representative: Ira Ware

Address of Violation: 520 Ida Avenue

Violation of Chapter 9A, Section 9A-12 (a) Outdoor Storage.

- Ms. Giardina MOVED, Mr. Weiner SECONDED to deny the request for fine reduction and to order the remaining unpaid fine in the amount of \$1,025.00 remain valid. MOTION CARRIED UNANIMOUSLY.

E. REQUEST FOR FINE REDUCTION

18-69199 - CODE COMPLIANCE OFFICER - NICK FALKNER

Respondents: Sylvia Ware Longmire

Authorized Representative: Ira Ware

Address of Violation: 520 Ida Avenue

Violation of Chapter 9, Section 9-2 (a); and Violation of Chapter 26, Section 8.14 (b) Outdoor Storage

- Ms. Giardina MOVED, Mr. Weiner SECONDED to deny the request for fine reduction and to order the remaining unpaid fine in the amount of \$4,232.96 plus applicable interest remain valid. MOTION CARRIED UNANIMOUSLY.

F. HEARING IMPOSING PENALTY

19-71210 - CODE COMPLIANCE OFFICER - ALLEN MCDANIEL

Respondent: Robert A. Nicholas, Jr. Trustee

Address of Violation: 3021 Roma Court

Violations of Chapter 26, Section 8.11 (e) 1 Property Maintenance - Debris; and Chapter 26, Section 8.5 (b) (2) (f) Fence in Disrepair; and Chapter 9, Section 9-2 (a); and Chapter 26, Section 8.14 (b) Outdoor Storage.

- Mr. Burrage confirmed the respondents had not yet paid the \$2,400 fine imposed at the April 24, 2019 meeting.
- Mr. Allen McDaniel, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, providing a review of events surrounding the case and the Board's actions dating back to March 27, 2019. He reported inspections carried out on April 8, 2019, and April 23, 2019, revealed the property remained out of compliance; therefore, the Board imposed a \$2,400 fine on April 24, 2019, representing a fine of \$150 per day for 16 days plus case costs of \$62.44. He stated inspections carried out on May 21, 2019, and June 25, 2019, along with 25 photographs revealed the violation of outdoor storage had not been corrected. He stated a Notice of Hearing Imposing Penalty was mailed to the respondent on May 23, 2019, which was returned undelivered on June 17, 2019. He stated he posted the Notice on the property and City Hall on May 23, 2019. He stated he again inspected the property on June 25, 2019, and found the violation remained, summarizing the property had been out of compliance for 62 additional days. He concluded there had been no contact with the property owner, submitting an invoice in the amount \$46.87 for case costs incurred.
- Mr. Heggan MOVED, Mr. Brennan SECONDED to find the respondent continued to be in violation, to impose a fine of \$9,300, representing a fine of \$150 per day for 62 days plus applicable interest, and to require payment of case costs incurred in the amount of \$46.87. MOTION CARRIED UNANIMOUSLY.
- Mr. Heggan MOVED, Ms. Giardina SECONDED to impose a fine of \$250 per day from this date forward for each day of non-compliance. MOTION CARRIED UNANIMOUSLY.
- Discussion ensued regarding the options available to bring the property into compliance.

G. HEARING IMPOSING PENALTY

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. Price noted the property was in compliance, calling for dismissal.
- Ms. Giardina MOVED, Mr. Sacilotto SECONDED to dismiss Case #19-71211. MOTION CARRIED UNANIMOUSLY.

**NOTE: Case #19- 72410 was heard after Case #19- 71211.**

**STAFF COMMENTS**

- Mr. McCarty announced an informational meeting would be held at the July 24, 2019 meeting.

**COMMITTEE/BOARD COMMENTS**

- Mr. Weiner expressed displeasure that staff time was not a recoverable cost.
- Mr. Sacilotto concurred.

**CITIZENS' COMMENTS**

- There were none.

**ADJOURNMENT**

- Meeting Adjourned: 10:14 a.m.

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John Chalifoux, Chairman

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Leah Pues, Recording Secretary