

**MINUTES OF THE REGULAR MEETING OF THE
CHARLOTTE COUNTY CODE ENFORCEMENT BOARD
18500 Murdock Circle, Room 119
Port Charlotte, Florida**

January 5, 2011

❖*Cases may not always be heard in the order as they appear on the agenda*❖

I. CALL TO ORDER

Chairman *Alan LeBeau* called the meeting to order at 9:00 am.

II. ROLL CALL

Members Present:

Alan LeBeau
Richard Adomatis
Kathy Damewood
Joan Hayes
Peter Taylor

Excused Absence:

Suzy Hackett
Fred Prather

III. SWEARING IN OF ALL THOSE GIVING TESTIMONY

Mike Wilson, Board Attorney, administered oath to those who gave testimony.

IV. NEXT MEETING DATE - February 2, 2011

V. APPROVAL OF MINUTES

The December 1, 2010, minutes were not approved.

VI. AGENDA CHANGES

❖ **Case No. COD-10-01024**, under New Business, was pulled due to lack of service.

VII. CONSENT: NONCOMPLIANCE AND NOTICE OF HEARING - FINES

All matters listed under this item are considered to be routine and action will be accomplished by one motion without separate discussion of each item. If discussion is desired by a member of the Board or Respondent(s), that item(s) will be removed from the Consent Agenda and considered separately. **Each case will be assessed with an additional \$18.50 for the cost of recording the lien.**

A. **Case No. 2008-256-B**, Paul Andre, 15181 Lyneburg Avenue, Port Charlotte – Second Affidavit of Noncompliance
- \$68.50

B. **Case No. 2008-372-B**, Lisa R. Snyder & Angelinea L. Scarano, 398 Northview Street, Port Charlotte – Fourth Affidavit of Non Compliance - \$118.50

C. **❖Case No. 2008-281-B**, Peter P. Halufska & Suzanne L. Halufska, 1514 Kenmore Street, Port Charlotte – Second Affidavit of Non Compliance - \$118.50

D. **Case No. 2008-604**, EZ Loans, 8459 Ashboro Circle, Port Charlotte – Second Affidavit of Non Compliance - \$218.50

E. **Case No. 2008-856**, Ilene M. Delameter & Sandra A. McCracken, 8321 Bayside Avenue, Englewood –Third Affidavit of No Compliance - \$141.50

F. **❖Case No. 2009-038**, Glenn Blondun & Kim Blondun, 308 Darst Avenue, Punta Gorda –Affidavit of Non Compliance - \$1,618.50

G. **❖Case No. 2009-074**, Zoraida Ortiz, 104 Broadmoor Lane, Rotonda West – Second Affidavit of Non Compliance - \$9,000.00

H. **Case No. 2009-228**, Estate of Mavis Nelson, 1161 South Lane, Englewood - Second Affidavit of Non Compliance - \$118.50

I. **Case No. 2009-238**, John Snyder & Celeste M. Snyder, 6353 David Boulevard, Port Charlotte – Second Affidavit of Non Compliance - \$141.50

J. **Case No. 2009-277**, Preston A. Vulgamore, 3485 Sage Street, Port Charlotte – Second Affidavit of Non Compliance - \$118.50

K. **Case No. 2009-294**, Joseph Orlando, 19526 Midway Boulevard, Port Charlotte - Second Affidavit of Non Compliance - \$118.50

L. **Case No. 2009-295**, Thomas P. Woodbury, 10523 Carnegie Avenue, Englewood – Second Affidavit of Non Compliance - \$13,018.50

M. **Case No. 2009-334**, Irving Holguin, 21059 Exmore Avenue, Port Charlotte – Third Affidavit of Non Compliance - \$4,918.50

N. **Case No. 2009-352**, Lake Columbia Development Co., 1101 Vernon Avenue, Port Charlotte – Second Affidavit of Non Compliance - \$164.80

O. **Case No. 2009-395**, Gulf Coast Home Sites, Inc, Trust, 4721 Westwood Drive, Punta Gorda – Second Affidavit of Non Compliance - \$15,618.50

P. **Case No. 2009-411**, Jason Smith & Sarah Smith, 7096 Mayfield Terrace, Englewood – Affidavit of Non Compliance - \$118.50

Q. **Case No. 2009-472**, Andrea Renonce Stephen, a/k/a Andrea Renonce Alerte, 25752 Aysen Drive, Port Charlotte – Second Affidavit of Non Compliance - \$5,018.50

R. **Case No. 2009-493**, JPG Enterprises, Inc & Sandy Fields, LLC, 14049 Oneonta Lane, Port Charlotte – Second Affidavit of Non Compliance - \$218.50

S. **Case No. 2009-10-0118C**, John Cody, 167 Deerfield Avenue, Port Charlotte – Affidavit of Non Compliance - \$118.50

T. **Case No. 2009-10-0167C**, Christopher Clark Minter, Jr., 2387 Alda Lane, Port Charlotte – Affidavit of Non Compliance - \$118.50

U. **Case No. COD-10-00104**, Kenneth R. Higgins, Sr., 30091 Oil Well Road, Punta Gorda – Affidavit of Non Compliance - \$1,742.06

V. **Case No. COD-10-00121**, Christopher Cameron, 2078 Lucky Street, Port Charlotte – Affidavit of Non Compliance - \$118.50

W. **Case No. COD-10-00161**, Karen Horne & Joshua P. Horne, 2424 Deedra Street, Port Charlotte – Affidavit of Non Compliance - \$118.50

X. ❖**Case No. COD-10-00208**, Michael C. Hogan, 1263 Harbor Boulevard, Port Charlotte – Affidavit of Non Compliance - \$141.50

Y. **Case No. COD-10-00262**, Margaret Turcotte, 12574 Tamiami Trail, Punta Gorda – Affidavit of Non Compliance - \$1,368.50

Z. **Case No. COD-10-00276**, William J. Shirley, 2105 Illinois Avenue, Englewood – Affidavit of Non Compliance - \$118.50

AA. ❖**Case No. COD-10-00290**, Lawrence Avenue Realty, 128 Mariner Lane, Rotonda West – Affidavit of Non Compliance - \$218.50

BB. **Case No. COD-10-00340**, Rasheed Ackbar & Charryan Khan Ackbar, 10 Beacon Drive, Rotonda – Affidavit of Non Compliance - \$118.50

CC. **Case No. COD-10-00507**, Estate of Jeffrey R. Couillard, 11258 Seabreeze Avenue, Port Charlotte – Affidavit of Non Compliance - \$2,181.18

DD. **Case No. COD-10-00603**, Leonor Romero Guido, 10426 Pendleton Avenue, Englewood – Affidavit of Non Compliance - \$118.50

Kathy Damewood moved to approve the fines as stated in the Affidavits of Noncompliance with the exception of Case No. 2008-281B, 2009-038, 2009-074, 2009-09-0118C, COD-10-00208, and COD-10-00290. The motion was seconded by *Richard Adomatis* and was passed unanimously.

❖**Case No. 2008-281-B**, Peter P. Halufska & Suzanne L. Halufska, 1514 Kenmore Street, Port Charlotte – Second Affidavit of Non Compliance - \$118.50

Corey Lewis with Marshall Watson Law Firm represented the bank in this matter.

Kathy Damewood moved to approve the fine as stated in the Affidavit of Noncompliance. The motion was seconded by *Richard Adomatis* and was passed unanimously.

❖ **Case No. 2009-038**, Glenn Blondun & Kim Blondun, 308 Darst Avenue, Punta Gorda – Affidavit of Non Compliance - \$1,618.50

Glen Blondun was present to answer any questions from the Board.

Richard Adomatis moved to approve the fines as stated in the Affidavit of Noncompliance. The motion was seconded by *Joan Hayes* and was passed unanimously.

❖ **Case No. 2009-10-0118C**, John Cody, 167 Deerfield Avenue, Port Charlotte – Affidavit of Non Compliance - \$118.50

Troy Peacock was present to answer any questions from the Board.

Joan Hayes moved to approve the fines as stated in the Affidavit of Noncompliance. The motion was seconded by *Richard Adomatis* with three (3) opposing votes, *Kathy Damewood*, *Pete Taylor* and *Alan LeBeau*. With the vote being 2 to 3, the Affidavit of Noncompliance will be dismissed.

❖ **Case No. COD-10-00208**, Michael C. Hogan, 1263 Harbor Boulevard, Port Charlotte – Affidavit of Non Compliance - \$141.50

Corey Lewis with the Law Offices of Marshall Watson represented the bank in this matter.

Kathy Damewood moved to approve the fines as stated in the Affidavit of Noncompliance. The motion was seconded by *Richard Adomatis* and was passed unanimously.

❖**Case No. COD-10-00290**, Lawrence Avenue Realty, 128 Mariner Lane, Rotonda West – Affidavit of Non Compliance - \$218.50

Henry Stedman represented Lawrence Realty in this matter.

Kathy Damewood moved to approve the fines as stated in the Affidavit of Noncompliance. The motion was seconded by *Richard Adomatis* and was passed unanimously.

❖**Case No. 2009-074**, Zoraida Ortiz, 104 Broadmoor Lane, Rotonda West – Second Affidavit of Non Compliance - \$9,000.00

Due to the Respondents' attorney being delayed, the Respondents' requested to continue this case.

Kathy Damewood moved to continue this case to the February 2, 2011. The motion was seconded by *Richard Adomatis* and was passed unanimously.

VIII. OLD BUSINESS
None

IX. NEW BUSINESS

Case No. COD-10-00651, *Nicholas Scaringella*, 3754 & 3762 N. Access Road, Englewood [Section 3-9-5(b) & FBC Sections 105.1]

Nicholas Scaringella was present and requested to have this case continued.

Kathy Damewood moved to continue this case to the March 2, 2011, Code Enforcement Board hearing. The motion was seconded by *Joan Hayes* and was passed unanimously.

Case No. COD-10-00067, *Charles Engelhardt & Brenda Engelhardt, 2110 Giralda Street, Port Charlotte [Sections 3-6-21 & 3-9-5(b); & FBC Sections 105.1, 105.4, & 109.3]*

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

Charles Engelhardt and Brenda Engelhard was present and provided testimony.

After a discussion the following motion was made.

Suzy Hackett moved to continue this case to the March 2, 2011, CEB hearing. The motion was seconded by *Kathy Damewood* with one opposing vote *Pete Taylor*.

Case No. COD-10-00628, *Michael Dragonetti & Cindy Holland, 11117 First Avenue, Punta Gorda, [Sections 3-9-5(b) & SHC Sections 103.2.1, & 101.6; & FBC Sections 105.1]*

Tom Gravagna Certified Code Compliance Officer provided testimony and presented photographs.

Michael Dragonetti and Cindy Holland was present and provided testimony.

The County will voluntarily dismiss Section 3-9-5(b) and FBC Section 105.1.

A lengthy discussion took place regarding the condition of the property.

Richard Adomatis moved the Respondents are in violation as charged with the exception of Section 3-9-5(b) and FBC Section 105.1. The Respondents have 60 days from the rendition of the Order to secure the home and 180 days to fix, repair, or replace the Standard Housing Code violations; to apply for and obtain any applicable permits to bring the property into compliance or obtain a demolition permit or restore the property back to the original condition. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. The motion was seconded by *Kathy Damewood* with two (2) opposing votes *Joan Hayes* and *Alan LeBeau*.

Case No. 2008-10-0024C, *Melvin C. Parry & U. S. Bank, National Association as Trustee, 150 Dowling Avenue, Port Charlotte [Sections 3-9-32(d) & 3-9-82.1; & FBC Sections 105.4 & 109.3]*

Rick Towne Certified Code Compliance Officer provided testimony and presented photographs.

Richard Adomatis moved the Respondents are in violation as charged. A cease and desist order is issued for 2 years. The Respondents have 30 days from the rendition of the Order to clear the zoning violations and to take the necessary steps to renew the expired permit. All final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Kathy Damewood* and was passed unanimously.

Case No. COD-10-00579, *Mercedes L. Richards & Tracy K. Morency, as Co-Trustees of the Mercedes L. Richards Trust, Dated July 22, 2009, 3308 Elkcam Boulevard, Port Charlotte [Section 3-9-5(b); FBC Section 105.1; & SHC Sections 101.6, 304, 305.3.2, 305.7, 305.8, & 305.11]*

Rick Towne Certified Code Compliance Officer provided testimony and presented photographs.

Kathy Damewood moved the Respondents are in violation as charged. The Respondents have 30 days from the rendition of the Order to clear the Standard Housing Code violations and apply for and obtain the applicable permits to bring the property into compliance. If the application for the permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection. All final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. The motion was seconded by *Joan Hayes* and was passed unanimously.

Case No. 2009-10-0072C, Daniel R. Gerleman & Janet Hayd Gerleman, 1122 Paraclete Road, Punta Gorda [FBC Sections 105.4 & 109.3]

Charlie Bush Certified Code Compliance Officer provided testimony and presented photographs.

Richard Adomatis moved the Respondents are in violation as charged. The Respondents have 30 days from the rendition of the Order to take the necessary steps to renew the expired permit. All final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. The motion was seconded by *Kathy Damewood* and was passed unanimously

Case No. COD-10-00785, David A. Keys, 3174 Brooklyn Avenue, Port Charlotte [Section 3-9-32(d) & 3-9-82.1; SHC Sections 101.6, 103.2, 304, & 305.15; & FBC Sections 105.1 & 424.2.17.1]

Charlie Bush Certified Code Compliance Officer provided testimony and presented photographs.

The County voluntarily dismissed Standard Housing Code Section 304.

Suzy Hackett moved the Respondent is in violation as charged with the exception of Standard Housing Code Section 304. A cease and desist order was issued for 2 years. The Respondent has 30 days from the rendition of the Order to clear the zoning violations; to fix, repair, or replace the standard housing code violations; to secure the pool in accordance with FBC 424.2.17; to apply for and obtain any applicable permits to bring the property into compliance. If an application for a permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection. All final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Kathy Damewood* and was passed unanimously.

Case No. COD-10-00482, Victor M Fernandes & Jennifer R. Fernandes, 14166 Saul Lane, Port Charlotte [Section 2-5-72 & FBC Sections 10.4, & 109.3]

Darcie Nicolosi Certified Code Compliance Officer provided testimony and presented photographs.

Richard Adomatis moved the Respondents are in violation as charged. A cease and desist order is issued for 2 years. The Respondents have 30 days from the rendition of the Order to clear the zoning violation and to take the necessary steps to renew the expired permit. All final inspections must be obtained in accordance with the Florida Building. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. The motion was seconded by *Joan Hayes* and was passed unanimously.

Case No. COD-10-00566, *Elbert C. Weaver, as General Partner of the Elbert C. Weaver Family Partnership, LTD, 6900 San Casa Drive, Englewood [Sections 3-9-30(d) & 3-9-82.1; & FBC Section 105.1]*

The County continued this cause until the February 2, 2011, Code Enforcement Board hearing.

Case No. COD-10-00661, *David W. Lutz & Dana L. Lutz, 9374 Fruitland Avenue, Englewood [Section 3-9-32(d) & 3-9-5(b)]*

Darcie Nicolosi Certified Code Compliance Officer provided testimony and presented photographs.

Richard Adomatis moved the Respondents are in violation as charged. The Respondents have 30 days from the rendition of the Order to apply for and obtain the required zoning permit and obtain all final inspections or by removing the fence from the property. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. The motion was seconded by *Joan Hayes* was passed unanimously.

Case No. COD-10-00921, *Joel Boyd & Patricia J. Boyd, 9284 & 9292 St. Catherine Avenue, Englewood [Sections 3-9-32(d), 3-9-82.1, 3-2-189, 3-9-5(b), & 3-9-91]*

Darcie Nicolosi Certified Code Compliance Officer provided testimony and presented photographs.

The County will voluntarily dismiss Code Section 3-9-5(b).

Richard Adomatis moved the Respondents are in violation as charged with the exception of Section 3-9-5(b). A cease and desist order is issued for 2 years. The Respondents have 30 days from the rendition of the Order to clear the zoning violations and obtain the required tree removal authorization permit. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Joan Hayes* was passed unanimously.

Case No. COD-10-00572, *John Linscott & Trista Linscott, 2464 Deedra Street, Port Charlotte [Sections 2-5-72, 3-9-32(d), & 3-9-82.1; SHC Sections 101.6, 304, 305.2, 305.3 & 305.8; & FBC Sections 105.4 & 109.3]*

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

Richard Adomatis moved the Respondents are in violation as charged. A cease and desist order was issued for 2 years. The Respondents have 30 days from the rendition of the Order to clear all zoning violations; to fix, repair, or replace the standard housing code violations; and take the necessary steps to renew the expired permit; to apply for and obtain any applicable permits to bring the property into compliance. If an application for a permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection. All final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Joan Hayes* was passed unanimously.

Case No. COD-10-00969, Dianna Stagliano, 22263 Augusta Avenue, Port Charlotte [Sections 2-5-72 & 3-9-5(b); SHC Sections 101.6, 304, 305.2, 305.3, & 305.12; & FBC Sections 105.1]

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

Joan Hayes moved the Respondent is in violation as charged. A cease and desist order was issued for 2 years. The Respondent has 30 days from the rendition of the Order to clear all zoning violations; fix, repair, or replace the standard housing code violations; and to apply for and obtain any applicable permits to bring the property into compliance. If an application for a permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection. If a permit cannot be issued, then a demolition permit must be obtained to remove any improvements from the property. All final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by **Richard Adomatis** was passed unanimously.

Case No. COD-10-00993, Carl Christie and Samantha D. Rink, 21962 Hernando Avenue, Port Charlotte, [Sections 3-9-32(d) & 3-9-82.1; SHC Section 103.2; & FBC Section 424.2.17]

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

Richard Adomatis moved the Respondents are in violation as charged. A cease and desist order was issued for 2 years. The Respondents have 30 days from the rendition of the Order to fix, repair, or replace the standard housing code violations; to clear the zoning violations; to secure the pool in accordance with FBC 424.2.17; and to apply for and obtain any applicable permits, if necessary, to bring the property into compliance. All final inspections must be obtained in accordance with the Florida Building Code. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded

by *Kathy Damewood* was passed unanimously.

Case No. COD-10-01010, Joseph A. Gaeta, WM Specialty Mortgage LLC and JPMC Specialty Mortgage LLC, 22241 Beverly Avenue, Port Charlotte, [Sections 2-5-72, 3-9-32(d) & 3-9-82.1; & SHC Sections 101.6, 103.2, 304, 305.2, 305.3, 305.11, 305.14, & 305.16]

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

Richard Adomatis moved the Respondents are in violation as charged. A cease and desist order was issued for 2 years. The Respondents have 30 days from the rendition of the Order to clear all zoning violations and to fix, repair, or replace the standard housing code violations. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Joan Hayes* was passed unanimously.

Case No. COD-10-01012, Shirlan Kay Winters, 21904 Beverly Avenue, Port Charlotte [Sections 3-9-32(d) & 3-9-82.1; & SHC Sections 101.6, 103.2, 304, 305.7, 305.8, & 305.16]

Rhonda Leonard Certified Code Compliance Officer provided testimony and presented photographs.

Richard Adomatis moved the Respondent is in violation as charged. A cease and desist order was issued for 2 years. The Respondent has 30 days from the rendition of the Order to clear all zoning violations and to fix, repair, or replace the standard housing code violations. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. Upon failure to comply, the Clerk shall notify the Board of County Commissioners for abatement. All reasonable costs of abatement, if necessary, shall be assessed in addition to any fines and costs. The motion was seconded by *Joan Hayes* was passed unanimously.

XI. STAFF/BOARD MEMBER COMMENTS

The County is starting a volunteer program to collect snipe signs and TAD's and information on this program can be found on Charlotte County's website www.charlottecountyfl.com.

Pete Taylor announced that he will be leaving the Board with the possibility of February being his last meeting. He and his wife will be doing volunteer work for the International Christian Embassy Jerusalem (ICEJ) in Jerusalem, Israel www.icej.org.

XII ADJOURNMENT

Richard Adomatis moved to adjourn the meeting. Motion was seconded by *Kathy Damewood* and was passed unanimously. The meeting adjourned at 11:34 am.

**CODE ENFORCEMENT BOARD MINUTES
READ AND APPROVED ON FEBRUARY 2, 2011**

CODE ENFORCEMENT BOARD OF
CHARLOTTE COUNTY, FLORIDA



Alan LeBeau, Chairman

ATTEST:



Sandra Williamson
Administrative Assistant I

Complete files of all cases, as well as taped recordings of all proceedings of this meeting, are kept in the Community Development Department and are available to the public.