

MINUTES

CHARLOTTE COUNTY CODE ENFORCEMENT BOARD MEETING

July 6, 2011

The Regular Monthly Meeting of the Charlotte County Code Enforcement Board was called to order by Vice Chairman, Richard Adomatis, on July 6, 2011 at 8:58:12 AM

Acting Clerk, Pamela Alexander, called the roll.

Members Present

Richard Adomatis
Kathy Damewood
Suzy Hackett
Joan Hayes
Charles Lindberg

Members Excused

Alan LeBeau

On behalf of the Board and the Code Enforcement Staff, Vice Chairman, Richard Adomatis, acknowledged and thanked Deputy Bob Melendez for his service. Deputy Melendez is retiring from the Sheriff's Office and has provided security and assistance for the Code Compliance Officers and the Board for many years.

Michael Wilson, Attorney for the Board, administered the Oath to all those giving testimony at today's hearing.

Vice Chairman, Richard Adomatis, announced that the next meeting for the Code Enforcement Board will be held on August 3, 2011 at 9:00 a.m.

No minutes were submitted for approval at this meeting.

AGENDA CHANGES:

Kira Honse, Assistant County Attorney announced the following changes:

- Consent Agenda Item Case No. 2009-162 should read "second" affidavit of non-compliance.
- Regular Agenda Case No. COD-10-01773 is being continued due to the absence of the Code Compliance Officer.
- Regular Agenda Item F, Case No. COD-11-00128 is being continued. Owner has contracted with a contractor and case will be monitored to ensure the work is done

- Respondents are present for the following cases on the Regular Agenda:
 - o Case No. COD-10-01711
 - o Case No. COD-11-00614

CONSENT- AFFIDAVITS OF NONCOMPLIANCE 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, that item(s) will be removed from the Consent Agenda and considered separately. Each case has been assessed with an additional \$18.50 for the cost of recording the lien.

Case No. 2008-984, Quantum Builders and Development Inc., 49 Orlando Boulevard, Port Charlotte- Second Affidavit of Noncompliance - \$21,018.50.
 (should have been removed from agenda because a permit was issued.)

Case No. 2009-162, Rebecca Ann Jones, 132 Darrow Street, Port Charlotte -Affidavit of Noncompliance- \$118.50.
 (this was changed to read SECOND Affidavit)

Case No. 2009-247, Dana Petrarca and Christopher C. Menard, 21492 Seyburn Terrace, Port Charlotte- Fourth Affidavit of Noncompliance- \$5,518.50.

* **Case No. 2009-420**, Mickle T. Holmes 13063 Aloha Drive, Punta Gorda – Fourth Affidavit of Noncompliance- \$24, 518.50

Case No. COD-10-00161, Karen Horne and Joshua Horne, 2424 Deedra St, Port Charlotte- Second Affidavit of Noncompliance- \$7,418.50.

Case No. COD-10-00208, Michael Hogan, 1263 Harbor Blvd, Port Charlotte- Second Affidavit of Noncompliance- \$7,405.50.

* **Case No. COD-10-00280**, Deutsche Bank National Trust Company as Trustee on behalf of the Harbor View Mortgage Loan Trust 2006-5, 21155 Bersell Avenue, 943 Red Bay Terrace, Port Charlotte- Second Affidavit of Noncompliance- \$10, 818.50.

Case No. COD-10-00384, John F. Samsel and Luz M. Samsel, 21508 Edgewater Drive, Port Charlotte -Affidavit of Noncompliance - \$482.25

Case No. COD-10-00558, Larry Russell, 17031 Fallkirk Avenue, Port Charlotte – Affidavit of Non Compliance- \$118.50.

Case No. COD-10-00572, John Linscott and Trista Linscott, 2464 Deedra Street, Port Charlotte- Affidavit of Non Compliance- \$410.91.

Case No. COD-10-00651, Nicholas Scaringella, 3754 and 3762 N. Access Road, Englewood- Affidavit of Non Compliance- \$218.50

Case No. COD-10-00670, Joshua M. Leathers and Melanie A. Sadowski, 1106 Yarmouth Street, Port Charlotte- Affidavit of Non Compliance- \$432.60

Case No. COD-10-00780, Lajos Szathmari, 3193 Crestwood Drive, Port Charlotte- Affidavit of Non Compliance- \$667.50

Case No. COD-10-00836, David Allen Crane and Wachovia Bank, National Association, Successor by Merger to Southtrust Bank, 3381 Maple Terrace, Port Charlotte- Affidavit of Non Compliance- \$513.50.

Case No. COD-10-00921, Joel Boyd and Patricia J. Boyd, 9284 and 9292 St. Catherine Avenue, Englewood -Affidavit of Non Compliance- \$1336.00

Case No. COD-10-00950, Dmitriy Dimov and Inna Dimov, 14475 Ransom Avenue, Port Charlotte- Affidavit of Non Compliance - \$118.50

Case No. COD-10-00977, Linda Nicholson, 21306 or 21310 Stillwater Avenue, Port Charlotte -Affidavit of Noncompliance - \$738.50

Case No. COD-10-00993, Carl Christie and Samantha Rink, 21962 Hernando Avenue, Port Charlotte- Affidavit of Non Compliance- \$118.50

Case No. COD-10-00998, Oqab Abuogab, 21090 Ionia Avenue, Port Charlotte - Affidavit of Non Compliance- \$118.50

Case No. COD-10-01084, Stephen J. Dabrosca, 2525 Starlite Lane, Port Charlotte- Affidavit of Non Compliance- \$118.50

Case No. COD-10-01201, Estate of Mark Woodmansee, 11407 Baggot Avenue, Englewood- Second Affidavit of Non Compliance- \$118.50

Case No. COD-11-00038, John H. Relyea, 3356 Harbor Boulevard, Port Charlotte- Affidavit of Non Compliance- \$707.05

On motion by Kathy Damewood, seconded by Suzy Hackett and carried unanimously, all items on the consent agenda were approved as submitted.

** On motion by Kathy Damewood, seconded by Joan Hayes and carried unanimously, Cases 2009-420 and COD-10-000280 will be forwarded to the Board of County Commission for further action. Kira Honse advised that Case 2008-984 had come into compliance.*

OLD BUSINESS

None

NEW BUSINESS

Case No. COD-10-01773, Astrid N. Caragol, 22080 Belinda Avenue, Port Charlotte [Charlotte County Code Section 3-9-32 (d) & 3-9-91 and Florida Building Code Sections 105.4, & 109.3]

(This case was continued prior to the Hearing)

Case No. COD-11-00128, Robert C. Diaz and Sharon C. Diaz, 29187 River Drive, Punta Gorda [Charlotte County Code Sections 3-9-36(d) & 3-9-82.1 and International Property Maintenance Code Sections 304.1, 304.13 & 304.15]

(This case was continued prior to the Hearing)

Respondent, James McCurry, Jr. was present for **Case No. COD-10-01711**, James McCurry, Jr., 22199 Felton Avenue, Port Charlotte regarding the following violations: Charlotte County Code Sections 2-5-72, 3-9-32(d) and 3-9-82.1; Florida Building Code Sections 105.4 and 109.3; and, International Property Maintenance Code Sections 301.2, 302.1, 302.7, 304.2, 304.6, 304.13, 304.13.1, and 304.15. Certified Code Compliance Officer, Terri Barnett, presented the case. She provided photographs and a copy of the expired permit along with her testimony.

Mr. McCurry advised that he had corrected some of the conditions over the last weekend. He apologized but due to financial reasons, he has not gotten the permit yet. He advised that many of the items stored there are "circulated" as they are from his scrapping business and do not remain for long periods.

On motion by Joan Hayes, seconded by Suzy Hackett, and carried unanimously, the Respondent was given thirty (30) days from the rendition of the Order to clear the Zoning violations; to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; to renew expired permit and to apply for and obtain any necessary permits to bring the property into compliance. All final inspections must be obtained in accordance with the Florida Building Code or thereafter face a fine of \$100 per day for each day the violation is shown to exist and for a two-year Cease and Desist Order for the zoning violations and for the matter to be referred to the Board of County Commissioners for abatement for the Zoning violations.

Respondent, Nicholas Vuolo, was present for **Case No. COD-11-00614**, A Plus Auto Service, 909 Kings Highway, Port Charlotte regarding the following violations: Charlotte County Code Sections 3-9-5(b), 3-9-95(h)(7), 3-9-95(k)(9) and 3-9-95(k)(12). Certified Code Compliance Officer, Charlie Bush, presented the case. He provided photographs along with his testimony.

The initial motion by Joan Hayes and seconded by Suzy Hackett to impose a \$200 per day fine was defeated on a vote of 2-3, with only Joan Hayes and Suzy Hackett voting in favor. On motion by Kathy Damewood, seconded by Charles Lindberg and carried

on a vote of four (4) to one (1), with Joan Hayes dissenting, the Respondent was given fifteen (15) days from the rendition of the Order to come into compliance to clear the Zoning violations or thereafter face a fine of \$100 per day for each day the violation is shown to exist.

Included during the discussion of the motion on this case, was a conversation regarding potential changes to the Sign Code and the anticipated timeframe for implementation of those changes.

Courtney Lee, daughter of the Respondents, was present for **Case No. COD-10-01300**, Dennis Ellis and Grace Ellis, 1142 Yorkshire Street, Port Charlotte, regarding violations of Florida Building Code Sections 105.4 and 109.3. Certified Code Compliance Officer, Terri Barnett, presented the case. She provided photographs and a copy of the expired permit along with her testimony.

Ms. Lee arrived late for the meeting and was sworn in prior to her testimony. She advised that her parents are both incapacitated in New York and that the property is in foreclosure. She is working with the bank and hopes to sell the property through the short-sale process.

On motion by Kathy Damewood, seconded by Joan Hayes, and carried unanimously, the Respondents were given thirty (30) days from 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 or thereafter face a fine of \$100 per day for each day the violation is shown to exist.

Case No. 2008-07-0192C, Richard C. Jenkins, Susan L. Giglo-Jenkins, Frank S. Guagliardo, Joann M. Giglo-Guagliardo, 8724 Grand Avenue, Placida regarding violations of Charlotte County Code Section 3-9-5(b) and Florida Building Code Section 105.1. Certified Code Compliance Officer, Darcie Nicolosi, presented the case. She provided photographs along with her testimony.

On motion by Suzy Hackett, seconded by Joan Hayes, and carried unanimously the Respondents were given thirty (30) days from the rendition of the Order to take the necessary steps to complete the permit application to bring the property into compliance. If the application for the permit is rejected, new plans shall be resubmitted within five (5) days from the date of rejection. If a permit cannot be issued, all improvements must be removed and the property restored to its original condition. All final inspections must be obtained in accordance with the Florida Building Code or thereafter face a fine of \$100 per day for each day the violation is shown to exist.

Case No. COD-10-00808, Justin J. Sullivan, 430 Dalton Boulevard, Port Charlotte [FBC Sections 105.4 & 109.3] Ric Towne, Certified Code Compliance Officer, presented the case. He provided photographs and a copy of the expired permit along with his testimony.

On motion by Suzy Hackett, seconded by Kathy Damewood and carried unanimously, the Respondent was given thirty (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 or thereafter face a fine of \$100 per day for each day the violation is shown to exist.

STAFF AND BOARD MEMBER COMMENTS

Assistant County Attorney, Kira Honse advised that although the agenda was light this month, the Board members should expect a full agenda next month.

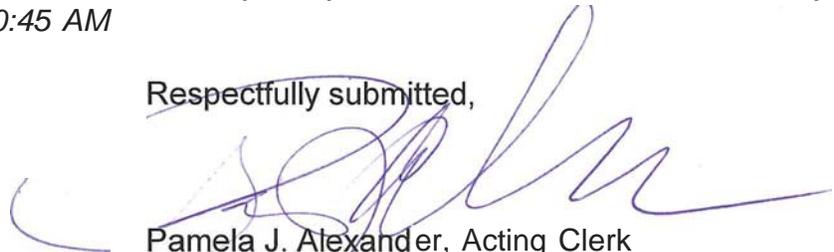
There was discussion among the Board members regarding the consistency of their rulings.

Board Member, Suzy Hackett, thanked the Board of County Commissioners for their decision and Brian Gleason for his column regarding retaining the Code Enforcement Board rather than changing to a Special Master.

Mrs. Hackett also expressed her appreciation for the get well wishes following her recent knee surgery.

On motion by Kathy Damewood, seconded by Suzy Hackett and carried unanimously, the meeting was adjourned at 9:50:45 AM

Respectfully submitted,



Pamela J. Alexander, Acting Clerk

Administrative Assistant II

Charlotte County Building & Growth Management

If any person desires to appeal any decision with respect to any matter considered at these meetings, such person may need a record of the proceedings; for this purpose, such person may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based.

The Charlotte County Commission meeting room (Room #119) is accessible to the physically disabled. However, if you need assistance or require auxiliary aids and services please contact our office at 941-743-1392. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Desk. If Sound Enhancement Units are insufficient for you, please contact our office TTY# 941-743-1234.