

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

October 6, 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
Suzy Hackett
Joan Hayes
Charles Lindberg

Members Excused Absence

Edward Callahan
Kathy Damewood

III. SWEARING IN OF ALL THOSE GIVING TESTIMONY

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

**IV. NEXT MEETING DATE November 2, 2011
*November 2, 2011***

V. APPROVAL OF MINUTES

Suzy Hackett moved to approve the minutes of **September 7, 2011**. The motion was seconded by *Charles Lindberg* and was passed unanimously

VI. AGENDA CHANGES

Under Agenda Item VII: Consent the following cases and will need to be considered separately:

*COD-10-00039
COD-10-01563
COD-11-00398
COD-11-00534*

Under Agenda Item IX: New Business the following cases have people present for the cases and will be moved up to the top of the agenda:

COD-11-01772
COD-11-01913
COD-11-00119
2008-04-0239C
COD-11-01510

The following cases were continued or dismissed:

COD-10-01834 – Case Continued
COD-10-01835 – Case Dismissed

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.**

❖ Upon the request of the Board, the County, or the Respondent(s) those cases were pulled for discussion.

- A. **Case No. 2008-188B**, Patrick M. O'Connor & Christine O'Connor, 1855 Gulf Boulevard, Englewood – Third Affidavit of Noncompliance - \$68.50.
- B. **Case No. 2009-247**, Dana Petrarca & Christopher Menard, 21492 Seyburn Terrace, Port Charlotte – Fifth Affidavit of Noncompliance - \$12,468.50.
- C. **Case No. 2009-277**, Preston A. Vulgamore, 3485 Sage Street, Port Charlotte – Fifth Affidavit of Noncompliance - \$10,118.50.
- D. **Case No. 2009-294**, Joseph Orlando, 19526 Midway Boulevard, Port Charlotte - Fifth Affidavit of Noncompliance - \$10,518.50.
- E. **Case No. 2009-10-072C**, Daniel Gerleman & Janet Hayd Gerleman, 1122 Paraclete Road, Punta Gorda – Affidavit of Noncompliance - \$118.50.

- F. **Case No. 2009-10-0240C**, Wilbur Gene Bennett & L. Carol Bennett, 20257 & 20265 Lorette Avenue, Port Charlotte – Second Affidavit of Non Compliance - \$158.50.
- G. **Case No. COD-10-00001**, John E. Relyea, 3356 Harbor Boulevard, Port Charlotte – Third Affidavit of Noncompliance - \$158.50.
- H. **Case No. COD-10-00012**, Larry Dale Lee, 18522 Hottellet Circle, Port Charlotte – Affidavit of Noncompliance - \$218.50.
- I. **❖Case No. COD-10-00039**, Saturnino Valiente, 20453 Backman Boulevard, Port Charlotte – Second Affidavit of Noncompliance - \$118.50.
- J. **Case No. COD-10-00124**, Nicholas Mitchell, Rachel Thorpe, & Chase Home Financial, LLC, 972 Roseway Terrace, NW, Port Charlotte - Third Affidavit of Noncompliance - \$9,518.50.
- K. **Case No. COD-10-00161**, Karen Horne & Joshua P. Horne, 2424 Deedra Street, Port Charlotte – Third Affidavit of Noncompliance - \$7,518.50.
- L. **Case No. COD-10-00249**, Elizabeth M. Scharmberg, 672 Edgemere Street, Port Charlotte – Third Affidavit of Noncompliance - \$9,518.50.
- M. **Case No. COD-10-00381**, Wilbur Gene Bennett & L. Carol Bennett, 20257 Lorette Avenue, Port Charlotte – Affidavit of Noncompliance - \$118.50.
- N. **Case No. COD-10-00482**, Victor Fernandes & Jennifer Fernandes, 14166 Saul Lane, Port Charlotte – Second Affidavit of Noncompliance - \$12,038.50.
- O. **Case No. COD-10-00543**, Peter Gilmore, 21515 Beaverton Avenue, Port Charlotte – Third Affidavit of Noncompliance - \$6,318.50.
- P. **Case No. COD-10-00585**, Craig V. Spencer, Diana M. Spencer, & Bank of New York Mellon, 2304 Dallas Street, Port Charlotte – Third Affidavit of Noncompliance - \$11,238.50.

- Q. **Case No. COD-10-00585**, Craig V. Spencer, Diana M. Spencer, & Bank of New York Mellon, 2304 Dallas Street, Port Charlotte – Fourth Affidavit of Noncompliance - \$2,138.50.
- R. **Case No. COD-10-00792**, US Bank National Association, 3436 Lucerne Terrace, Port Charlotte – Second Affidavit of Noncompliance - \$5,218.50.
- S. **Case No. COD-10-00866**, Oak Trees on the West, Inc., 417 Ricold Terrace, Port Charlotte – Affidavit of Noncompliance - \$218.50.
- T. **Case No. COD-10-00953**, Steven Blake and Heather Julian, 3397 Croton Terrace, Port Charlotte – Third Affidavit of Noncompliance - \$138.50.
- U. **Case No. COD-10-00977**, Linda Nicholson, 21306 Stillwater Avenue or 21310 Stillwater Avenue, Port Charlotte – Third Affidavit of Noncompliance - \$2,938.50.
- V. **Case No. COD-10-01084**, Stephen Dabrosca, 2525 Starlite Lane, Port Charlotte – Second Affidavit of Non Compliance - \$8,218.50.
- W. **Case No. COD-10-01013**, Brian J. Schebel, Jennifer M. Walker, & LaSalle Bank National Association, 21354 Percy Avenue, Port Charlotte – Second Affidavit of Noncompliance - \$3,738.50.
- X. **Case No. COD-10-01120**, James D. Aldrich & Faye E. Aldrich, 2411 Ambrose Lane, Port Charlotte – Second Affidavit of Noncompliance - \$6,838.50.
- Y. **Case No. COD-10-01135**, Ronald P. Chomko & Barbara Ayn Chomko, 3119 Cabaret Street, Port Charlotte – Second Affidavit of Noncompliance - \$9,318.50.
- Z. **Case No. COD-10-01300**, Dennis Willis & Grace Willis, 1142 Yorkshire Street, Port Charlotte – Affidavit of Noncompliance - \$118.50.
- AA. **Case No. COD-10-01313**, CC Properties & Land Development, LLC, 17 Ferdon Circle, Port Charlotte – Affidavit of Noncompliance - \$218.50.

- BB. **Case No. COD-10-01495**, Paul S. Hickey, 3196 Normandy Drive, Port Charlotte – Affidavit of Noncompliance - \$118.50.
- CC. **Case No. COD-10-01563**, Atlas FL I SPE, LLC, 11701 Anglers Club Drive, Placida – Affidavit of Noncompliance - \$218.50.
- DD. **Case No. COD-10-01711**, James McCurry, Jr., 22199 Felton Avenue, Port Charlotte – Affidavit of Noncompliance - \$118.50.
- EE. **Case No. COD-10-01723**, Olga E. James, 20208 Midway Boulevard, Port Charlotte – Second Affidavit of Noncompliance - \$9,818.50.
- FF. **Case No. COD-10-01754**, Mollie A. McCarthy, a/k/a Mollie DeGiovine, 950 Mensh Terrace, Port Charlotte – Affidavit of Noncompliance - \$118.50.
- GG. **Case No. COD-11-00028**, Marcia Mercado, 9439 Acco Avenue, Englewood – Affidavit of Noncompliance - \$118.50.
- HH. **Case No. COD-11-00534**, Michael Kelly, 1165 South Lane, Englewood – Affidavit of Noncompliance - \$118.50.
- II. **Case No. COD-11-00398**, Terry Acosta & BAC Home Loans Servicing, 21580 Olean Blvd, Port Charlotte – Affidavit of Noncompliance - \$118.50.
- JJ. **Case No. COD-11-00436**, Matthew J. MacDonald, 22199 Felton Avenue, Port Charlotte – Affidavit of Noncompliance - \$118.50.
- KK. **Case No. COD-11-00584**, Europa Financial Investment Group, 22072 Beverly Avenue, Port Charlotte - Affidavit of Noncompliance - \$218.50.

Suzy Hackett moved to approve the fines as stated in the Affidavits of Noncompliance with the exception of **Case Nos. COD-10-00039, COD-10-01563, COD-11-00398, & COD-11-00534**. The motion was seconded by *Joan Hayes* and was passed unanimously.

Suzy Hackett moved to forward these cases **Case Nos. 2009-247, 2009-277, 2009-294, COD-10-00482, & COD-10-00585** to the Board of County Commissioners for further consideration of a foreclosure action or an injunction. The motion was seconded by *Joan Hayes* and was passed unanimously.

❖**Case No. COD-10-00039**, Saturnino Valiente, 20453
Backman Boulevard, Port Charlotte – Second Affidavit of
Noncompliance - \$118.50.

Sean Whaley was present on behalf of the lender.

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

❖**Case No. COD-10-01563**, Atlas FL I SPE, LLC, 11701
Anglers Club Drive, Placida – Affidavit of Noncompliance -
\$218.50.

Jeff Russell was present on behalf of the Respondent. The company has a buyer for this property and within the next 30 days if they cannot get a written contract the Company will demolish the property.

Suzy Hackett 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. COD-11-00534**, Michael Kelly, 1165 South Lane,
Englewood – Affidavit of Noncompliance - \$118.50.

Sean Whaley was present on behalf of the lender and provided testimony to the Board

Suzy Hackett 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. COD-11-00398**, Terry Acosta & BAC Home Loans Servicing, 21580 Olean Blvd, Port Charlotte – Affidavit of Noncompliance - \$118.50.

Terry Acosta was present and provided testimony to the Board

Suzy Hackett moved to **DENY** the Affidavit of Noncompliance. The motion was seconded by *Charles Lindberg* and was passed unanimously.

VIII. OLD BUSINESS:
None

IX. NEW BUSINESS

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

***Case No. COD-11-01772**, Jeff Hertzberg & Ruth David, 21181 Midway Boulevard, Port Charlotte [Sections 2-5-72, 3-9-5(b), 3-9-32(d), & 3-9-82.1; IPMC Sections, 301.2, 301.3, 304.1, 304.2, 304.6, 304.13, 304.13.1, 304.13.2, 304.14, & 304.15; & FBC Section 105.1]

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

Jeff Hertzberg was present and provided testimony to the Board. He stated the house is in foreclosure. He stated he has tried to clear the violations.

Susan Bodden was present on behalf of the lender and provided testimony to the Board.

Suzy Hackett moved the Respondents are in violation as charged with the exception of Sections 3-9-32(d) & 3-9-82.1. The Respondents have 30 days from the rendition of this Order to clear the zoning violations; to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; and to apply for and obtain all necessary permits. If the application for the permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection; and all final inspections must be done 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 \$200.00 per day. A cease and desist order is issued for 2 years for the zoning violations. 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* and was passed unanimously.

***Case No. COD-11-01913, Sandra Moscato, 21459
Webbwood Avenue, Port Charlotte [FBC Sections
105.4 & 109.3]**

Terri Barnett Certified Code Compliance Officer provided testimony, presented supporting documents, and photographs.

Sal Mascato was present on behalf of his daughter. He pulled the permit right after hurricane Charlie.

A discussion took place regarding the fact that his daughter is renting the house out and she cannot pull the permit as owner-builder. A contractor would need to pull the permit.

Suzy Hackett moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to take the necessary steps to renew the expired permit and 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** with one (1) opposing vote **Alan LeBeau**.

***Case No. COD-11-00119, Nancy Loboschefski,
14458 Armada Road, El Jobean [Sections 2-5-72 & 3-
9-82.1; & IPMC Sections 302.1, 304.2, 304.6, 304.7,
& 308.1]**

Dan DeValk Certified Code Compliance Officer provided testimony and presented photographs.

Nancy Loboschefski was present and provided testimony to the Board. She has been living with her brother since her stroke and has been unable to do the physical work to clear the violations. But she has since hire someone to take care of mowing the grass

Suzy Hackett moved the Respondent is in violation as charged with the exception of Section 2-5-72 and 3-9-82.1. The Respondent has 30 days from the rendition of this Order to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance. 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 **Richard Adomatis** with one (1) opposing vote **Joan Hayes**.

***Case No. 2008-04-0239C**, *Segura Nurys & Fernando Castellano, 3247 Jamestown Street, Port Charlotte [Sections 3-5-9(b), 2-5-72, & 3-9-82.1; & FBC Section 105.1; & IPMC Sections 301.2, 301.3, 303.1, 304.1, 304.9, & 605.1]*

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

Sean Whaley represented the lender in this matter. He stated the home was sold and he is waiting for a Certificate of Title to be issued to the new owner.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 45 days from the rendition of this Order to clear the zoning violations; to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; and to apply for and obtain all necessary permits. If the application for the permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection; and all final inspections must be done 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. A cease and desist order is issued for 2 years for the zoning violations. 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** and was passed unanimously.

***Case No. COD-11-01510**, *Mike Hester, 22457 Olean Boulevard, Port Charlotte [Sections 3-9-5(b) & 3-9-91; & FBC Sections 105.4, 109.3, & 424.2.17]*

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

Mike Hester was present and provided testimony to the Board. He is having problems with the company that installed the windows. He doesn't want an inspection because if the County passed the windows then he will not be able to have the windows replaced by the contactor.

Suzy Hackett moved the Respondent is in violation as charged with the exception of Sections 3-9-5(b) and 3-9-91. The Respondent has 30 days from the rendition of the Order to take the necessary steps to renew the expired permit; and to secure the pool in accordance with the Florida Building

Code 424.2.17 and if necessary obtain final inspections 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. COD-10-01302, Paul Vought & Justin Vought, 22118 Felton Avenue, Port Charlotte [Sections 3-2-214, 3-2-215, 3-9-5(b), 3-9-32(d), & 3-9-82.1; & FBC Section 105.1; & IPMC Sections 102.2, 304.1, 304.2, 304.6, 304.13, 304.15, & 604.3]

Rhonda Leonard 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 this Order to clear the zoning violations; to fix, repair, or replace the International Property Maintenance Code violations; and to obtain all necessary 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; and all final inspections must be done 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 \$200.00 per day. A cease and desist order is issued for 2 years for the zoning violations. 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 *Suzy Hackett* and was passed unanimously.

Case No. COD-11-01221, Carlos Benitez, 21148 McGuire Avenue, Port Charlotte [Section 3-9-5(b); & FBC Section 105.1; & IPMC Sections 109.2, 109.4, 109.5, 301.2, 301.3, 304.1, 304.2, 304.13, 304.13.1, 304.14, & 304.15]

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

Joan Hayes moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to fix, repair, or replace the International Property Maintenance Code violations and to apply for and obtain all necessary 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; and all final inspections must be done 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 *Suzy Hackett* and was passed unanimously.

**Case No. COD-11-01612, Richard Barnett, 22122
Beverly Avenue, Port Charlotte [Sections 2-5-72, 3-9-
5(b), 3-9-32(d), & 3-9-82.1; & IPMC Sections 304.13,
304.13.1, & 304.15; & FBC Section 105.1]**

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

Richard Adomatis moved the Respondent is in violation as charged with exception of Sections 3-9-32(d) and 3-9-82.1. The Respondent has 30 days from the rendition of this Order to clear the zoning violation; to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; and to apply for and obtain all necessary permits. If the application for the permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection; and all final inspections must be done 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. A cease and desist order is issued for 2 years for the zoning violations. 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 *Charles Lindberg* and was passed unanimously.

**Case No. COD-11-01637, Midway Development
Group, LLC, 22047 Midway Boulevard, Port Charlotte
[Sections 3-9-32(d) & 3-9-82.1; & IPMC Sections
301.2 & 304.7; & FBC Sections 105.4 & 109.3]**

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

Richard Adomatis moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to clear the zoning violations; to take the necessary steps to renew the expired permit; and to fix,

repair, or replace the International Property Maintenance Code violations; and obtain all final inspections 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 \$200.00 per day. A cease and desist order is issued for 2 years for the zoning violations. 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*** and was passed unanimously.

Case No. COD-11-01668, Cynthia R. Crockwell & U.S Bank National Association, as Trustee for Harborview 2006-1 Trust Fund, 21913 Beverly Avenue, Port Charlotte [Sections 2-5-72, 3-9-32(d), & 3-9-82.1; & IPMC Sections 301.2, 301.3, 302.7, 304.2, 304.6, 304.13, 304.13.1, 304.15, & 604.3]

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

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 30 days from the rendition of this Order to clear the zoning violations; to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance and if necessary obtain all final inspections 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. A cease and desist order is issued for 2 years for the zoning violations. 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*** and was passed unanimously.

Case No. COD-11-01688, Matthew Ernest McAdams & The Bank of New York Mellon, as Trustee for the Certificateholders CWABS, Inc. Asset-Backed Certificates, Series 2006-10, 22008 Beverly Avenue, Port Charlotte [Sections 3-2-214, 3-9-32(d), & 3-9-82.1; & IPMC Sections 301.2, 301.3, 302.7, 304.1, 304.2, 304.6, 304.13, 304.13.1, 304.13.2, 304.14, 304.15, & 604.3]

Rhonda Leonard Certified Code Compliance Officer provided testimony

and presented photographs.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 30 days from the rendition of this Order to clear the zoning violations; to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance and if necessary obtain all final inspections 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. A cease and desist order is issued for 2 years for the zoning violations. 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* and was passed unanimously.

Case No. COD-11-01684, Anthony John Vogel,
1570 Scotten Street, Port Charlotte [Sections 3-9-
32(d), 3-9-61, & 3-9-82.1; & IPMC Sections 301.2,
304.6, 304.7, 304.9, 304.13, 304.13.1, 304.13.2,
501.2, 502.1, & 504.1] **Not Served**

This case was continued due to lack of service.

Case No. COD-10-01834, James Godwin & Rita
Godwin, 4273 Nettle Road, Port Charlotte [Sections
3-9-37(d) & 3-9-61]

This case was continued at the hearing – with no hearing date.

Case No. COD-10-01835, James Godwin & Rita
Godwin, 4274 Nettle Road, Port Charlotte [Sections
3-9-37(d), 3-9-61, & 3-9-82.1]

This case was dismissed at the Code Enforcement Board hearing.

Case No. COD-11-02310, Andrew R. Peterson & Mary L. Peterson, 211 Santa Marta Street, Port Charlotte [FBC Sections 109.3, 105.4, & 105.4.1.2]

Dan DeValk Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 30 days from the rendition of this Order to take the necessary steps to renew the expired permit or remove all improvements from the property and 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 **Charles Lindberg** and was passed unanimously.

Case No. COD-11-00486, Joseph Candullo, Frances Candullo, & Wells Fargo Bank, N.A., Successor in Interest to Wachovia Mortgage, F.S.B., f/k/a World Savings Bank, 18690 Ayrshire Circle, Port Charlotte [Sections 2-5-72, 3-9-32(d), 3-9-62, & 3-9-82.1; & IMPC Sections 301.3, 302.7, & 304.15]

Lyndon Reinwald Certified Code Compliance Officer provided testimony and presented photographs.

Richard Adomatis moved the Respondents are in violation as charged with the exception of Section 3-9-62. The Respondents have 30 days from the rendition of this Order to clear the zoning violations; to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance and if necessary obtain all final inspections 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. A cease and desist order is issued for 2 years for the zoning violations. 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 **Charles Lindberg** and was passed unanimously.

**Case No. COD-11-00593, Owen Petgrave & Desreen
Petgrave, 4170 Talheim Street, Port Charlotte [FBC
Sections 105.4 & 109.3]**

Lyndon Reinwald Certified Code Compliance Officer provided testimony, presented supporting documents, and photographs.

Richard Adomatis moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to take the necessary steps to renew the expired permit or remove all improvements from the property and 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 **Suzy Hackett** and was passed unanimously.

**Case No. COD-11-01075, Karen Ann Kim Krieger, 18435
Goodman Circle, Port Charlotte [Sections 3-9-5(b), 3-9-
32(d), 3-9-82.1, & 3-9-91; & IPMC Sections 302 & 302.7;
& FBC Section 105.1]**

Lyndon Reinwald Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondent is in violation as charged with the exception of Section 3-9-91. The Respondent has 30 days from the rendition of this Order to clear the zoning violations; to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; and to apply for and obtain all necessary permits. If the application for the permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection or remove any improvements to the property; and all final inspections must be done 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. A cease and desist order is issued for 2 years for the zoning violations. 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** and was passed unanimously.

Case No. COD-11-01398, Gary G. Tuttle, 4468 Larkspur Court, Port Charlotte [Sections 3-9-32(d), 3-9-61, 3-9-82.1, & 3-9-91]

Lyndon Reinwald Certified Code Compliance Officer provided testimony and presented photographs.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 15 days from the rendition of this Order to clear the zoning violations. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. 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 *Charles Lindberg* and was passed unanimously.

Case No. COD-11-01734, PHH Mortgage Corporation, 4383 Mundella Circle, Port Charlotte [Sections 3-9-5(b), 3-9-32(d), & 3-9-82.1; & IPMC Sections 301.1, 301.2, 301.3, 304.2, 304.6, 304.7, 304.9, & 304.13; & FBC Section 105.1]

Lyndon Reinwald Certified Code Compliance Officer provided testimony and presented photographs.

Charles Lindberg moved the Respondent is in violation as charged with the exception of Sections 3-9-32(d) and 3-9-82.1. The Respondent has 30 days from the rendition of this Order to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; and to apply for and obtain all necessary permits. If the application for the permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection; and all final inspections must be done 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 \$200.00 per day. The motion was seconded by *Joan Hayes* and was passed unanimously.

Case No. COD-11-01786, Marian Kencik, 4185 Flamingo Boulevard, Port Charlotte [FBC Sections 105.4 & 109.3]

Lyndon Reinwald Certified Code Compliance Officer provided testimony,

presented supporting documents, and photographs.

Suzy Hackett moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to take the necessary steps to renew the expired permit and 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 **Richard Adomatis** and was passed unanimously.

Case No. COD-10-01731, Gaetjens Polynice & Margareth Polynice, 23256 Peachland Blvd, Port Charlotte [FBC Sections 105.4 & 109.3]

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

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 30 days from the rendition of this Order to take the necessary steps to renew the expired permit and 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 **Charles Lindberg** and was passed unanimously.

Case No. COD-10-01748, Clifton Johnson & Jennifer Johnson, 414 Cortez Drive, Port Charlotte [Section 2-5-72; IPMC Sections 102.2, 304.1, 304.2, 304.13, 304.14, 304.15, 501, 504.3, 605.1, & 704.2]

This was continued due to lack of service.

Case No. COD-11-01209, Helen Garrison, 23333 Swallow Avenue, Port Charlotte [IPMC Sections 303.1, 303.2, & 302.7; & FBC Section 424.2.17]

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

Suzy Hackett moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of the Order to secure the pool in accordance with the Florida Building Code 424.2.17 and if necessary, 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 ***Richard Adomatis*** and was passed unanimously.

Case No. COD-11-01979, Carmela Schiare & Delta Lift Truck, Various Locations throughout Charlotte County [Section 3-9-95(k)8]

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

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 15 days from the rendition of this Order to remove all signs from the County's Right-of-Ways. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$50.00 per day and per sign. A county wide cease and desist order is issued for 2 years. The motion was seconded by ***Charles Lindberg*** with one (1) opposing vote ***Joan Hayes***.

Case No. COD-11-02244, ELH Property Solutions, Inc., 81 Hannah Street, Port Charlotte [Sections 2-5-72 & 3-2-115]

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

Richard Adomatis moved the Respondent is in violation as charged. The Respondent has 15 days from the rendition of the Order to comply with Section 3-2-115 and to clear the zoning violation. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$200.00 per day. A cease and desist order is issued for 2 years for the zoning violations. 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*** and was passed unanimously.

**Case No. COD-11-01277, Rene Bernier, 34 Sportsman
Terrace, Rotonda West [FBC Sections 105.4 & 109.3**

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

Suzy Hackett moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to take the necessary steps to renew the expired permit and 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 **Richard Adomatis** and was passed unanimously.

**Case No. COD-11-01284, Leonard L. Roberts, 14146
Saul Lane, Port Charlotte [Sections 3-9-32(d) & 3-9-82.1]**

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

Charles Lindberg moved the Respondent is in violation as charged. The Respondent has 15 days from the rendition of this Order to clear the zoning violations. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. 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** and was passed unanimously.

**Case No. COD-11-01424, Mark Robinson, 1655 Cardinal
Lane, Englewood [Sections 3-9-5(b), 3-9-32(d), & 3-9-
82.1; & FBC Section 105.1; & IPMC Sections 304.13,
304.13.1, & 304.13.2]**

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

Suzy Hackett moved the Respondent is in violation as charged. The Respondent has 30 days from the rendition of this Order to clear the zoning

violation; to fix, repair, or replace the International Property Maintenance Code violations to bring the property into compliance; and to apply for and obtain all necessary permits. If the application for the permit is rejected, new plans shall be resubmitted within 5 days from the date of rejection; and all final inspections must be done 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. A cease and desist order is issued for 2 years for the zoning violations. 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 *Charles Lindberg* and was passed unanimously.

Case No. COD-11-02005, Estate of John Coffelt & Lois Coffelt, 1365 River Lane, Englewood [Sections 2-5-72, 3-9-32(d), & 3-9-82.1]

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

Richard Adomatis moved the Respondent is in violation as charged. The Respondent has 15 days from the rendition of this Order to clear the zoning violations. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$100.00 per day. A cease and desist order is issued for 2 years for the zoning violations. 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 *Suzy Hackett* and was passed unanimously.

X. **STAFF AND BOARD MEMBER COMMENTS**

➤ ***None***

XI. **ADJOURNMENT**

Richard Adomatis moved to adjourn the meeting. Motion was seconded by *Charles Lindberg* and was passed unanimously. The meeting adjourned at 11:45 am.

**CODE ENFORCEMENT BOARD MINUTES FOR OCTOBER 6, 2011
READ AND APPROVED ON November 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.