

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

**March 6, 2013**

❖*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. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**Members Present:**

Alan LeBeau  
Richard Adomatis  
Kathy Damewood  
Suzy Hackett  
Joan Hayes  
Nicholas Theiss

**Members Excused Absence:**

Charles Lindberg

**IV. SWEARING IN OF ALL THOSE GIVING TESTIMONY TODAY**

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

**V. NEXT MEETING DATE**

**April 3, 2013**

**VI. APPROVAL OF MINUTES**

*Suzy Hackett* moved to approve the minutes of **February 6, 2013**. The motion was seconded by *Richard Adomatis* and was passed unanimously

**VII. AGENDA CHANGES**

**VIII. OLD BUSINESS**

*None*

**IX. 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 \$10.00 for the cost of recording the lien.**

- A. **Case No. COD-10-00483**, Felix Soto, 8274 Matecumbe Road, Port Charlotte - Affidavit of Noncompliance - \$110.00.
- B. **Case No. COD-10-00672**, Robert Bennett & Donna Bennett, 20275 Gentry Avenue, Port Charlotte – Second Affidavit of Noncompliance - \$60.00.
- C. **★Case No. COD-10-01131**, Lemon Bay Resort, 8251 & 8255 Esther Street, Englewood - Third Affidavit of Noncompliance - \$18,810.00.

**Ryan Sansone, Leon Watts, and Michelle Sears** were present and provided testimony to the Board.

**Kathy Damewood** moved to approve the fine as stated in the Affidavit of Noncompliance. The motion was seconded by **Suzy Hackett** with one (1) opposing vote **Joan Hayes**.

- D. **Case No. COD-10-01656**, Robert Gannon, 4386 Sibley Bay Street, Port Charlotte – Sixth Affidavit of Noncompliance - \$110.00.
- E. **Case No. COD-11-02477**, Barbara Marta, 15369 Visalia Road, Port Charlotte – Second Affidavit of Noncompliance - \$110.00.
- F. **Case No. COD-11-02493**, Geraldine Mitchell, 13324 Harney Avenue, Port Charlotte – Affidavit of Noncompliance - \$60.00.
- G. **★Case No. COD-11-02966**, Hertenlehner Corporation, 4135 Tamiami Trail, Port Charlotte – Affidavit of Noncompliance - \$110.00.

**Michael Haymans** attorney for the Respondent was present and provided testimony to the Board.

**Suzy Hackett** moved to **DENY** the fine as stated in the Affidavit of Noncompliance. The motion was seconded by **Kathy Damewood** and was passed unanimously.

- H. **Case No. COD-11-02975**, Terrance Shores & Nina Kemp, 2186 Como Street, Port Charlotte – Affidavit of Noncompliance - \$399.00.
- I. **Case No. COD-11-02983**, Michael Elwood, 21201 Bassett Avenue, Port Charlotte – Third Affidavit of Noncompliance - \$3,010.00.

*Jessica Bridges* 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.

- J. **Case No. COD-12-00007**, Jeffrey Bowser & Susan Bowser, 27534 Aloha Drive Charlotte – Second Affidavit of Noncompliance - \$6,710.00.
- K. **Case No. COD-12-00020**, Motilall Kuneram & Bhanmatie Kuneram, 4113 Durant Street, Port Charlotte – Second Affidavit of Noncompliance - \$5,060.00.
- L. **Case No. COD-12-00049**, Evan L. Flores & Olga T. Flores, 22506 Troy Avenue, Port Charlotte – Second Affidavit of Noncompliance - \$1,410.00.
- M. **Case No. COD-12-00321**, Harold Wells, 831 E Fifth Street, Englewood – Second Affidavit of Noncompliance - \$110.00.
- N. **Case No. COD-12-00336**, Virginia Blomberg, 175 Rotonda Circle, Rotonda West – Second Affidavit of Noncompliance - \$60.00.
- O. **Case No. COD-12-00351**, Jay Oleson & Tammy Oleson, 21441 Dollard Avenue, Port Charlotte – Affidavit of Noncompliance - \$110.00.
- P. **Case No. COD-12-00806**, Sharon-McKissick-Perez, 3269 Daytona Drive, Punta Gorda – Affidavit of Noncompliance - \$202.00.
- Q. **Case No. COD-12-00806**, Sharon-McKissick-Perez, 3269 Daytona Drive, Punta Gorda – Second Affidavit of Noncompliance - \$3,410.00.

- R. **Case No. COD-12-01139**, Hony Lafortune & Melanie Tatarcyk, 201 Park Street, Port Charlotte – Second Affidavit of Noncompliance - \$3,410.00.
- S. **Case No. COD-12-01262**, Eileen Carter, 1642 Adrian Street, Port Charlotte – Affidavit of Noncompliance - \$410.00.
- T. **Case No. COD-12-01688**, Marsha Brown, Brian Brown, & Amy Allen, 26523 Deer Road, Punta Gorda – Affidavit of Noncompliance - \$60.00.
- U. **Case No. COD-12-01795**, Kathryn Preston, 1417 Coral Ridge Drive, Punta Gorda – Affidavit of Noncompliance - \$350.00. - **CONTINUED**
- V. **Case No. COD-12-02252**, Ileana Bosch, 3200 Colony Court, Punta Gorda – Affidavit of Noncompliance - \$60.00.
- W. **Case No. COD-12-02423**, Ildelfonso Gonzalez-Cruz, 9040 Anita Avenue, Englewood – Affidavit of Noncompliance - \$408.50.

*Kathy Damewood* moved to approve the fines as stated in the Affidavits of Noncompliance with the exception of **Case No. COD-10-01131**, **Case No. COD-11-02966**, **Case No. COD-11-02983**, and **Case No. COD-12-01795**. The motion was seconded by *Suzy Hackett* and was passed unanimously.

X. **LIENS - APPROVAL TO SEND TO BCC FOR FURTHER CONSIDERATION**  
*None*

XI. **NEW BUSINESS**

**Case No. COD-12-03163**, Linda Davis & Myra Maus,  
219 S Waterway Drive, Port Charlotte [FBC Sections  
105.4 & 109.3]

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

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

*Kathy Damewood* moved the Respondents are in violation as charged. The Respondents have 30 days from the date of this Order to take the necessary steps

to renew the expired permit and obtain final inspections. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$50.00 per day. The motion was seconded by **Suzy Hackett** and was passed unanimously.

**Case No. COD-12-02972, Christopher F. Turner & Susan Turner, 4380 Tamiami Trail, Port Charlotte [Sections 3-9-5(b) & 3-9-50.4(e)(1)]**

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

**Susan Turner and Christopher Turner** was present and provided testimony to the Board.

**Joan Hayes** moved the Respondents are in violation as charged and failure 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. The motion was seconded by **Richard Adomatis** with one (1) opposing vote **Alan LeBeau**.

**Case No. COD-2007-11-0191C, Joseph Torrenti, 3595 Easy Street, Port Charlotte [FBC Sections 105.4 & 109.3]**

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

**Suzy Hackett** moved the Respondent is in violation as charged. The Respondent has 30 days from the date of this Order to take the necessary steps to renew the expired permit and obtain final inspections. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$50.00 per day. The motion was seconded by **Kathy Damewood** and was passed unanimously.

**Case No. COD-11-00539, Marisa Sinclair, 1112 Shearer Street, Port Charlotte [FBC Section 105.4]**

**Dan Devalk** Certified Code Compliance Officer provided testimony and presented photographs and documentation.

**Suzy Hackett** moved the Respondent is in violation as charged. The Respondent has 30 days from the date of this Order to take the necessary steps to renew the

expired permit and obtain final inspections. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$50.00 per day. The motion was seconded by ***Kathy Damewood*** and was passed unanimously.

***Case No. COD-12-03240, Dmitriy Dimov & Inna Dimov, 14475 Ransom Avenue, Port Charlotte [FBC Sections 105.4 & 109.3]***

***Dan Devalk*** Certified Code Compliance Officer provided testimony and presented photographs and documentation.

***Suzy Hackett*** moved the Respondents are in violation as charged. The Respondents have 30 days from the date of this Order to take the necessary steps to renew the expired permit and obtain final inspections. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$50.00 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*** and was passed unanimously.

***Case No. COD-12-01763, Daniel Parabak, 22191 Oneida Avenue, Port Charlotte [Sections 2-5-72, 3-9-61, & 3-9-82.1]***

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

***Kathy Damewood*** moved the Respondent is in violation as charged. The Respondent has 15 days from the date 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 5 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-13-00079, Stacy Anderson, 2375  
Briarwood Street, Port Charlotte [Section 2-5-72]**

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

**Suzy Hackett** moved the Respondent is in violation as charged. The Respondent has 15 days from the date 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 \$50.00 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 **Kathy Damewood** and was passed unanimously.

**Case No. COD-12-02225, Mike Gillis, 2015 Myrtle  
Avenue, Punta Gorda [Sections 3-9-33(d), 3-9-61, &  
3-9-82.1]**

**Rick Dalton** 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 date 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 **Kathy Damewood** and was passed unanimously.

**Case No. COD-12-03013, BSSJ Ventures, LLC,  
12459 Tamiami Trail, Punta Gorda [Sections 3-9-5(b)  
& (d)(2), 3-9-82.1, & 3-9-95.1(g); & FBC Section  
105.1]**

**Rick Dalton** 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 date of this Order to clear the zoning violations and to apply for and obtain all necessary permits. 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-12-03227**, *Thomas Tester, 9283  
Boots Street, Punta Gorda [Sections 3-9-36(d) & 3-9-  
82.1]*

**Rick Dalton** Certified Code Compliance Officer provided testimony and presented photographs.

**Suzy Hackett** moved the Respondent is in violation as charged. The Respondent has 15 days from the date 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 \$50.00 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-12-01234**, *Jeremiah's International  
Trading Company, Inc., 12129 Helios Avenue, Port  
Charlotte [Section 3-9-5(b) & FBC Section 105.1]*

**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 date of this Order to apply for and obtain all necessary permits. 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-12-03051, White Elephant Pub, Inc.,  
1855 Gulf Boulevard, Englewood [Section 3-9-5(b) &  
FBC Sections 105.1, 105.4, & 109.3]**

This case was continued to the April meeting.

**Case No. COD-12-02154, David Barth & Linda Barth,  
1101 Fergus Lane, Punta Gorda [Section 3-2-115 &  
IPMC Sections 303.1 & 303.2] **NOT SERVED****

This case was continued due to lack of service.

**XII STAFF/BOARD MEMBER COMMENTS**

*Alan LeBeau* asked about the hurricane shutters...some people are leaving them on all year round...would that be a violation of ingress or egress.

*Kathy Damewood* asked about contiguous lots. A lengthy discussion took place regarding this issue.

**XIII. ADJOURNMENT**

*Suzy Hackett* moved to adjourn the meeting. Motion was seconded by *Joan Hayes* and was passed unanimously. The meeting adjourned at 10:57 am.

**CODE ENFORCEMENT BOARD MINUTES FOR MARCH 6, 2013  
READ AND APPROVED ON APRIL 3, 2013**

CODE ENFORCEMENT BOARD OF  
CHARLOTTE COUNTY, FLORIDA

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Alan L. LeBeau, Chairman

ATTEST:

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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.***