

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

May 1, 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

June 5, 2013

VI. APPROVAL OF MINUTES

Suzy Hackett moved to approve the minutes of **April 3, 2013**. The motion was seconded by *Joan Hayes* and was passed unanimously

VII. AGENDA CHANGES

None

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.**

✦People present at hearing.

1. **CASE NO. COD-10-00121**, Christopher Cameron, 2078 Lucky Street, Port Charlotte – Fifth Affidavit of Noncompliance - \$6,310.00.
2. **Case No. COD-11-00030**, Allen Batlle, 22470 Aster Avenue, Port Charlotte – Affidavit of Noncompliance - \$60.00.
3. **Case No. COD-11-00530**, Walter Behrmann, 21923 Hernando Avenue, Port Charlotte – Sixth Affidavit of Noncompliance - \$4,910.00
4. **Case No. COD-11-00686**, Bruce Vilardi, 22129 Midway Boulevard, Port Charlotte – Sixth Affidavit of Noncompliance - \$6,310.00.
5. **Case No. COD-11-00984**, Martha Nazario, 947 Linnaen Terrace, NW, Port Charlotte – Fourth Affidavit of Noncompliance - \$110.00.
6. **Case No. COD-11-01189**, Christine E. Marfut, 21219 Glendale Avenue, Port Charlotte – Sixth Affidavit of Noncompliance - \$6,810.00.
7. **Case No. COD-11-01688**, Matthew McAdams, 22008 Beverly Avenue, Port Charlotte – Third Affidavit of Noncompliance - \$535.00.
8. ✦**Case No. COD-11-01697**, John Rupert & Donna Rupert, 667 Errol Street, Port Charlotte – Fifth Affidavit of Noncompliance - \$110.00.

James Goetz was present on behalf of the lender and provided testimony to the Board.

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

9. **Case No. COD-11-01786**, Marian M. Kencik, 4185 Flamingo Boulevard, Port Charlotte – Fourth Affidavit of Noncompliance - \$110.00.
10. **Case No. COD-11-01933**, Joseph McGrath, 3312 Normandy Drive, Port Charlotte – Fourth Affidavit of Noncompliance - \$6,110.00.
11. **Case No. COD-11-01973**, Peter Vittoratos, 107 Cousley Drive, Port Charlotte – Third Affidavit of Noncompliance - \$6,360.00.
12. **Case No. COD-11-02315**, Richard Dingee, Jr., 21785 Hernando Avenue, Port Charlotte – Fifth Affidavit of Noncompliance - \$4,910.00.
13. ✦ **Case No. COD-11-02324**, Stephen Spanninger & Lisa Spanninger, 11679 Claremont Drive, Port Charlotte – Affidavit of Noncompliance - \$60.00.

Stephen Spanninger was present 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.

14. **Case No. COD-11-02522**, Equity Trust Company, 4475 Conway Boulevard, Port Charlotte – Second Affidavit of Noncompliance - \$110.00.
15. **Case No. COD-11-02716**, Federal National Mortgage Association, 4519 Belfountain Street, Port Charlotte - Fourth Affidavit of Noncompliance - \$6,310.00.
16. **Case No. COD-11-02780**, Debra Mathis & Merl Mathis, 12181 Kimsey Avenue, Port Charlotte – Affidavit of Noncompliance - \$110.00.
17. **Case No. COD-11-02822**, Eric Rajnish, 22448 Hernando Avenue, Port Charlotte – Sixth Affidavit of Noncompliance - \$210.00.
18. **Case No. COD-11-02987**, Charlene Diefel, 158 Barre Drive, Port Charlotte – Affidavit of Noncompliance - \$110.00.
19. **Case No. COD-12-00023**, Thomas Kirkpatrick & Suzanne Kirkpatrick, 21961 Beverly Ave, Port Charlotte – Third Affidavit of Noncompliance - \$1,360.00.

20. **Case No. COD-12-00321**, Harold Wells, 831 E Fifth Street, Englewood – Third Affidavit of Noncompliance - \$6,710.00.
21. **Case No. COD-12-00336**, Virginia Blomberg, 175 Rotonda Circle, Rotonda West – Third Affidavit of Noncompliance - \$3,360.00.
22. **Case No. COD-12-00632**, Brian Hays & Agnes Hays, 22134 Gandy Avenue, Port Charlotte – Third Affidavit of Noncompliance - \$1,360.00.
23. **Case No. COD-12-00769**, Robert Bartlett & Frances Bartlett, 21435 Meehan Avenue, Port Charlotte – Second Affidavit of Noncompliance - \$1,450.00.
24. **Case No. COD-12-00974**, Jose Lopez, 3380 Port Charlotte Boulevard, Port Charlotte – Third Affidavit of Noncompliance - \$60.00.
25. **Case No. COD-12-01145**, Randy Pangborn & Tammy Pangborn, 23229 Elmira Boulevard, Port Charlotte – Affidavit of Noncompliance - \$60.00.
26. **Case No. COD-12-01731**, Timothy Hertenlehner, Michelle Nelson, Absolute Auto Sales of Port Charlotte, LLC, International Tire Shop #2, & Eduardo Vasoucelos, 4085 & 4089 Tamiami Trail, Port Charlotte – Affidavit of Noncompliance - \$110.00.
27. **Case No. COD-12-01769**, Steven Lamb & Cathryn Lamb, 1072 Lee Street, Englewood – Second Affidavit of Noncompliance - \$5,610.00.
28. **Case No. COD-12-01828**, Florida First Escrow Company, 21138 Ionia Avenue, Port Charlotte – Affidavit of Noncompliance - \$460.00.
29. **Case No. COD-12-01980**, Jose Ibarra, 810 Palmetto Drive, Port Charlotte – Affidavit of Noncompliance - \$60.00.
30. **Case No. COD-12-01993**, Zdenka Rozsypalkova, 21123 Glendale Avenue, Port Charlotte – Affidavit of Noncompliance - \$60.00.
31. **Case No. COD-12-02003**, Paul Cruz, 21945 Felton Avenue, Port Charlotte – Affidavit of Noncompliance - \$766.81.

32. **Case No. COD-12-02102**, Marcus Woodrum & Lisa Woodrum, 22126 Marshall Avenue, Port Charlotte – Affidavit of Noncompliance - \$60.00.
33. **Case No. COD-12-02180**, SFR-2012-1 Florida, LLC, 2401 Como Street, Port Charlotte – Second Affidavit of Noncompliance - \$6,110.00.
34. **Case No. COD-12-02225**, Mike Gillis, 2015 Myrtle Avenue, Punta Gorda – Affidavit of Noncompliance - \$110.00.
35. **Case No. COD-12-02372**, Stanley Kowalski & Diane Paluszek, 21939 Catherine Avenue, Port Charlotte – Affidavit of Noncompliance - \$690.00.
36. **Case No. COD-12-02481**, Juliet Schebilski, 119 Eppinger Drive, Port Charlotte – Affidavit of Noncompliance - \$60.00.
37. **Case No. COD-12-02780**, Secret Homes, 2368 Starlite Lane, Port Charlotte – Affidavit of Noncompliance - \$308.57.
38. **Case No. COD-12-02838**, Marisol Guzman, 21244 Burkhart Drive, Port Charlotte – Affidavit of Noncompliance - \$60.00.
39. **Case No. COD-12-03018**, Matthew McAdams, 22008 Beverly Avenue, Port Charlotte – Affidavit of Noncompliance - \$110.00.
40. **Case No. COD-12-03227**, Thomas Tester, 9283 Boots Street, Punta Gorda – Affidavit of Noncompliance - \$60.00.

Suzy Hackett moved to approve the fines as stated in the Affidavits of Noncompliance with the exception of the following case numbers **COD-11-01697 and COD-11-02324**. The motion was seconded by *Richard Adomatis* and was passed unanimously.

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

XI. NEW BUSINESS

Case No. COD-11-00166, *Mary Ellingwood*, 22065 Beverly Avenue, Port Charlotte [Section 3-9-5(b); & FBC Sections 105.1, 105.4, & 109.3; & IPMC Sections 301.2, 304.2, & 304.6]

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

Mary Ellingwood provided testimony. *Blake Trueblood* represented the lender and provided testimony to the Board.

Suzy Hackett moved the Respondent is in violation as charged with the exception of Section 3-9-5(b); FBC Section 105.1; and IPMC Sections 301.2, 304.2, and 304.6. The Respondent has 6 months from the date of this Order to renew the expired permit and to 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 *Richard Adomatis* and was passed unanimously.

Case No. COD-12-03149, *Frederick Rossa*, 8171 Robert Street, Englewood [Sections 3-9-5(b) & 3-9-32(d); & FBC Section 105.1]

Suzy Hackett moved to vacate the Order issued by the Board on April 3, 2013. The motion was seconded by *Kathy Damewood* and was passed unanimously.

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

Maryann Franks Zoning Tech II provided testimony to the Board.

Frederick Rossa owner of property and *Brian Lichterman* Vision Planning & Design provided testimony and documentation to the Board. *Josh Moye*, objected to the relevance of the documentation.

A lengthy discussion took regarding the permit, the use of the docks, and if the docks extends past the zoning requirements and the County's recommendation.

Kathy Damewood moved the Respondent is in violation as charged the exception of Section 3-9-32(d). The Respondent has 60 days from the date of this Order to obtain all necessary permits and if a permit cannot be issued all improvements must be removed. 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 **Nichols Theiss** with two opposing votes **Suzy Hackett** and **Richard Adomatis**.

**Case No. COD-12-02966, Harry Beatty & Angela Beatty,
23103 Donalda Avenue, Port Charlotte [FBC Section 105.1]**

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

Harry Beatty and **Angela Beatty** provided testimony to the Board.

Richard Adomatis moved the Respondents are in violation as charged. The Respondents have 30 days from the date of this Order to apply for and obtain all necessary permits and or obtain a demolition permit to remove all improvements to the property. 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-12-00458, Bimmel, LLC, 4536 & 4546
Tamiami Trail, Port Charlotte [FBC Sections 105.4 & 109.3]**

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

Trisha Jacobs represented the owner of the property and provided testimony to the Board.

Kathy Damewood 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 or remove any improvements 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 **Suzy Hackett** and was passed unanimously.

Case No. COD-12-02980, Leighton Taylor, 21913 Felton Avenue, Port Charlotte [Sections 2-5-72, 3-9-5(b), 3-9-32(d), 3-9-82.1, & 3-9-91; & FBC Section 105.1; & IPMC Sections 301.2, 301.3, 302.7, 303.1, & 304.7]

Rhonda Leonard 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 bring the property into compliance with the International Property Maintenance Codes; 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 \$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-12-03144, Aric Armstrong, 21287 Gertrude Avenue, #216, Port Charlotte [FBC Sections 105.4 & 109.3]

Rhonda Leonard 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 **Richard Adomatis** and was passed unanimously.

Case No. COD-12-03308, Charles Sumrall, 3440 Easy Street, Port Charlotte [Sections 2-5-72, 3-9-5(b), 3-9-32(d), & 3-9-82.1; & FBC Sections 105.1, 105.4, & 109.3; & IPMC Sections 301.2, 301.3, 304.2, 304.6, 304.13, 304.13.1, 304.14, & 304.15]

Rhonda Leonard 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 clear the zoning violations; and to bring the property into compliance with the International Property Maintenance Codes; and to renew the expired permit; 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 \$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-13-00464, *Federal National Mortgage Assoc., 21099 Meehan Avenue, Port Charlotte [Section 3-9-5(b); & FBC Sections 105.1, 105.4, & 109.3; & IPMC Sections 301.2, 301.3, 304.7, & 304.14]*

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

Suzy Hackett moved the Respondent is in violation as charged with the exception of Florida Building Code Sections 105.4 and 109.3 and International Property Maintenance Code Sections 301.3 and 304.7. The Respondent has 30 days from the date of this Order to bring the property into compliance with the International Property Maintenance Codes; 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. 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-12-03045, *Robert Horigan & Margaret Horigan, 7423 Castleberry Terrace, Englewood [Sections 2-5-72, 3-2-115, 3-9-32(d), & 3-9-82.1; & IPMC Sections 301.2, 301.3, 303.1, 303.2, & 304.7]*

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 date of this Order to clear the zoning violations and to bring the property into compliance with the International Property Maintenance Code. 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 **Suzy Hackett** and was passed unanimously.

**Case No. COD-12-03202, Ann Grady, 4 Seaward Circle,
Cape Haze [FBC Sections 105.4 & 109.3]**

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

Richard Adomatis 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 **Joan Hayes** and was passed unanimously.

**Case No. COD-12-03203, Adele Lepore, 8 Seaward Circle,
Cape Haze [FBC Sections 105.4 & 109.3]**

Darcie Nicolosi 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 **Richard Adomatis** and was passed unanimously.

Case No. COD-13-00231, *Indrio Associates, Inc., 6478 San Casa Drive, Englewood [FBC Sections 105.4 & 109.3]*

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

Richard Adomatis 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 \$100.00 per day. The motion was seconded by *Suzy Hackett* and was passed unanimously.

Case No. COD-13-00339, *Ilene Delameter & Sandra McCracken, 8321 Bayside Avenue, Englewood [Sections 2-5-72, 3-2-115, 3-9-37(d), & 3-9-82.1; & IPMC Sections 301.2, 301.3, 304.14, & 304.18]*

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 date of this Order to clear the zoning violations and bring the property into compliance with the International Property Maintenance Code. 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 *Suzy Hackett* and was passed unanimously.

Case No. COD-12-03131, *Federal Home Loan Mortgage Corp, 1177 Fleetwood Drive, Port Charlotte [Section 3-9-5(b) & FBC Section 105.1]*

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

Kathy Damewood 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-13-00147, Richard May & Hazel May, 1813
Lavilla Road, Punta Gorda [IPMC Sections 108.1.1, 108.1.3,
108.1.5(3)(6)(7)(9), 110.1, & 301.2]**

Rick Towne 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 date of this Order to bring the property into compliance with the International Property Maintenance Codes. 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-12-03066, Tax Deed Acquisitions, 1122
Paraclete Road, Punta Gorda [FBC Sections 105.4 & 109.3]**

Terri Barnett Certified Code Compliance Officer provided testimony and presented photographs and documentation.

Suzy Hackett moved the Respondent is in violation as charged. The Respondent has 180 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 \$100.00 per day. The motion was seconded by **Richard Adomatis** and was passed unanimously.

Case No. COD-11-02464, *Richard Browne & Tanica Browne, 19185 Hillsborough Boulevard, 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. The motion was seconded by *Richard Adomatis* and was passed unanimously.

Case No. COD-12-03204, *Kathy Tourangeau, 25156 Derringer Road, Punta Gorda [FBC Sections 105.4 & 109.3]*

Charlie Bush 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 *Richard Adomatis* and was passed unanimously.

Case No. COD-12-02524, *Diego Occhiuzzo, 3024 Shannon Drive, Punta Gorda [FBC Sections 105.4 & 109.3; & IPMC Section 301.2, 301.3, 304.1, 304.13, 304.15, & A103.5] NOT SERVED*

This case was continued due to lack of service.

XII. STAFF AND BOARD MEMBER COMMENTS

Chairman LeBeau inquired about the County replacing the Code Board members with a special magistrate.

Suzy Hackett stated it has been 8 years since the Code Board has been televised...she inquired why Comcast does not make this program available to viewers who live in South Charlotte County.

XIII. ADJOURNMENT

Kathy Damewood moved to adjourn the meeting. Motion was seconded by *Richard Adomatis* and was passed unanimously. The meeting adjourned at 11:59 am.

**CODE ENFORCEMENT BOARD MINUTES FOR MAY 1, 2013
READ AND APPROVED ON JUNE 5, 2013**

CODE ENFORCEMENT BOARD OF
CHARLOTTE COUNTY, FLORIDA

Alan L. 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.