

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

June 5, 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
Charles Lindberg
Nicholas Theiss

Members Excused Absence:

Joan Hayes

IV. SWEARING IN OF ALL THOSE GIVING TESTIMONY TODAY

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

V. NEXT MEETING DATE

July 3, 2013

VI. APPROVAL OF MINUTES

Suzy Hackett moved to approve the minutes of **May 1, 2013**. The motion was seconded by *Charles Lindberg* 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-11-01277**, Rene Bernier, 34 Sportsman Terrace, Rotonda West - Second Affidavit of Noncompliance - \$110.00.
2. **Case No. COD-11-01424**, Mark Robinson, 1655 Cardinal Lane, Englewood – Third Affidavit of Noncompliance - \$110.00.
3. **Case No. COD-11-02296**, Rodolfo Barreneche & Margarita Barreneche, 21275 Glendale Ave, Port Charlotte – Fifth Affidavit of Noncompliance - \$135.00.
4. **Case No. COD-11-02632**, Mertella Delchon, 2449 Starlite Lane, Port Charlotte – Fourth Affidavit of Noncompliance - \$2,710.00.
5. **Case No. COD-11-02761**, Donald Evertsen, 21928 Felton Avenue, Port Charlotte – Fifth Affidavit of Noncompliance - \$135.00.
6. **Case No. COD-12-00193**, Gulf Coast Home Sites, Inc., 21163 Bersell Avenue, Port Charlotte – Third Affidavit of Noncompliance - \$6,410.00.
7. **Case No. COD-12-00312**, Edidleydis Martinez, 4354 Durant Street, Port Charlotte – Third Affidavit of Noncompliance - \$3,110.00.
8. **Case No. COD-12-01213**, Richard Dwyer, 3 Seaward Circle, Cape Haze – Affidavit of Noncompliance - \$60.00.

9. **Case No. COD-12-01449**, Estate of Eugene Mozias & Tatyana Sovetova, 22315 Hernando Avenue, Port Charlotte – Second Affidavit of Noncompliance - \$3,260.00.
10. **Case No. COD-12-01604**, Estate of Lester Wilcox, 22363 Midway Boulevard, Port Charlotte – Third Affidavit of Noncompliance - \$2,185.00.
11. **Case No. COD-12-01805**, Yvon Gedeon & Berthy Gedeon, 2529 Warne Street, Port Charlotte – Second Affidavit of Noncompliance - \$2,385.00.
12. **Case No. COD-12-02423**, Ildelfonso Gonzalez-Cruz, 9040 Anita Avenue, Englewood – Second Affidavit of Noncompliance - \$115.00.
13. **Case No. COD-12-02465**, Maria Baerga, 21362 Glendale Avenue, Port Charlotte – Affidavit of Noncompliance - \$110.00.
14. **Case No. COD-12-02529**, Rachel Martinez, Helen Pierson, & PNC Bank, 2223 Claude Court, Port Charlotte – Affidavit of Noncompliance - \$60.00.
15. **Case No. COD-12-02649**, Dawn Boggess, 39 Bunker Place, Rotonda West – Affidavit of Noncompliance - \$410.00.
16. **Case No. COD-12-02688**, Don Meissner & Kim McLeod, 21890 Catherine Avenue, Port Charlotte – Second Affidavit of Noncompliance - \$1,810.00.
17. **Case No. COD-12-03013**, BSSJ Ventures, LLC, 12459 Tamiami Trail, Punta Gorda – Affidavit of Noncompliance - \$110.00.
18. **Case No. COD-13-00079**, Stacy Anderson, 2375 Briarwood Street, Port Charlotte – Affidavit of Noncompliance - \$110.00.

Suzy Hackett moved to approve the fines as stated in the Affidavits of Noncompliance. 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-12-03016, Larry Emard, Nancy Emard, & Bank of New York Mellon, 3212 Normandy Drive, Port Charlotte [Section 3-9-5(b); & FBC Section 105.1; & IPMC Sections 301.2, 301.3, 304.13, & 304.13.1]

The County voluntarily dismissed the case against Larry Emard and Nancy Emard.

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

Ben Kitterman represented the lender in this matter and provided testimony.

Richard Adomatis moved the Respondent is in violation as charged with the exception of IPMC Section 304.13.1. 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 \$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 *Suzy Hackett* and was passed unanimously.

Case No. COD-13-00628, Estate of J.D. Caldwell, 1290 Drury Lane, Englewood [Sections 3-9-32(d) & 3-9-82.1; & IPMC Sections 301.2, 301.3, & 302.7] DN

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

James Goetz represented the lender in this matter and provided testimony.

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 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 **Richard Adomatis** and was passed unanimously.

Case No. COD-13-00639, Roch Oshilaja, 66 Broadmoor Lane, Rotonda West [IPMC Sections 301.2, 301.3, 302.7, 303.1, & 303.2] **NOT SERVED**

This case was continued due to lack of service, but James Goetz represented the lender and gave an update on the pending foreclosure.

Case No. COD-12-02207, Federal National Mortgage Association, 3310 Loveland Boulevard, #502, Port Charlotte [FBC Sections 105.4 & 109.3] **NOT SERVED**

This case was continued due to lack of service

Case No. COD-12-03249, Cassandra Durham, 105 Martin Drive, Port Charlotte [Sections 3-9-32(d) & 3-9-82.1; FBC Section 105.1; & IPMC Sections 108.1, 108.1.3, 108.5(3)(7), 301.2, 301.3, 304.1, 304.1.1(8), 304.7, 304.9, 304.13, 304.13.1, & 304.15]

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

Monique Yenke represented the lender in this matter and provided testimony.

Kathy Damewood 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 ***Richard Adomatis*** and was passed unanimously.

***Case No. COD-13-00669, Philip Popa & Sharon Popa,
23414 Painter Avenue, Port Charlotte [Sections 3-9-32(d) &
3-9-79]***

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

Philip Popa was present and provided testimony to the Board and presented photographs into evidence.

A lengthy discussion took place regarding if the tractor is used for business purposes and if it is consider a piece of commercial equipment.

Suzy Hackett moved the Respondents are in violation as charged. The Respondents have 15 days from the date of this Order to remove all commercial equipment from the property or cease using the tractor for commercial purposes. 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. The motion was seconded by ***Nick Thiess*** with one (1) opposing vote ***Richard Adomatis***.

***Case No. COD-13-00015, Jason Fisher & Heather Fisher,
22016 Beverly Avenue, Port Charlotte [Sections 3-9-5(b), 3-
9-32(d), & 3-9-82.1; & FBC Section 105.1]***

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

Jason Fisher was present and provided testimony.

Kathy Damewood moved the Respondents are in violation as charged. The Respondents have 60 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 \$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-13-00499, *Bernardino Estrada, d/b/a Hercules Curbing, Inc., 21055 Gertrude Ave, Port Charlotte [Sections 1-10-18, 3-9-32(d), & 3-9-91] RL*

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

Bernardino Estrada was present and provided testimony.

Suzy Hackett moved the Respondent is in violation as charged with the exception of Section 1-10-18. 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 *Richard Adomatis* and was passed unanimously.

Case No. COD-13-00648, *Angela Green, 2291 Lee Terrace, Port Charlotte [Sections 2-5-72, 3-9-32(d), & 3-9-82.1; & IPMC Sections 301.2 & 304.14]*

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

Angela Green was present and provided testimony.

Richard Adomatis moved the Respondent is in violation as charged with the exception of International Property Maintenance Code Sections 301.2 & 304.14.

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 *Suzy Hackett* and was passed unanimously.

Case No. COD-13-00764, *Barbara Hendricks, 21491 Gladis Avenue, Port Charlotte [Sections 2-5-72, 3-9-32(d), & 3-9-82.1]*

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

Kenneth Rowe was present on behalf of Barbara Hendricks and provided testimony.

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 \$50.00 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 *Nick Thiess* and was passed unanimously.

Case No. COD-13-00567, *Harold Gross, 7464 Teaberry Street, Englewood [Sections 3-9-32(d), 3-9-61, & 3-9-82.1]*

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

Harold Gross was present and provided testimony.

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-12-01761, Kenneth Weedo & Debora Weedo, 5350 Rustic Drive, Punta Gorda [FBC Sections 105.4 & 109.3]

Rick Dalton 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-12-02524, 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]

Rick Dalton 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 bring the property into compliance with the International Property Maintenance Codes and to renew the expired permit. 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-13-00378, *William Groh, Jr., 26090 Huanuco Drive, Punta Gorda [Sections 3-9-32(d) & 3-9-82.1; & FBC Section 424.2.17; & IPMC Sections 301.3, 303.1, & 303.2]*

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

Richard Adomatis 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 secure the pool in accordance with Florida Building Code Section 424.2.17. 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-13-00137, *Michael Wutke & Estate of Gerald Wutke, 3436 Edgehill Terrace, Port Charlotte [Sections 2-5-72, 3-2-115, 3-2-214, 3-2-215, 3-9-5(b), 3-9-32(d), & 3-9-82.1; & FBC Section 105.1; & IPMC Sections 301, 301.3, 302.1, 304.1, 304.2, 304.13, 304.13.1, 304.15, 304.18, 308.1, 501.2, 505.1, 505.4, 601.2, 602.1, 602.2, & 604.3]*

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

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; and 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 \$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-13-00178, George Dodge, Kathryn Quilty Dodge, & JP Morgan Chase Bank, 8760 King Street, Placida [Sections 3-9-34(d), 3-9-61, & 3-9-82.1]

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

Suzy Hackett moved the Respondent is in violation as charged. The Respondent has 10 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-13-00254, Michael Basilotto, 424 Camino Real, Englewood [Sections 3-9-5(b), 3-9-36(d), & 3-9-82.1; & FBC Section 105.1; & IPMC Sections 301.2, 301.3, 302.7, 303.1, & 303.2] **NOT SERVED**

This case was continued due to lack of service.

Case No. COD-13-00596, Michael Attruia, Jr., 14 Oakland Hills Road, Rotonda West [Sections 2-5-72, 3-9-32(d), & 3-9-82.1; & IPMC Sections 301.2, 301.3, 304.7, & 305.3]

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

Richard Adomatis 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 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

finest and costs. The motion was seconded by *Suzy Hackett* and was passed unanimously.

Case No. COD-12-01167, James Pugh, Theresa Pugh, & Bank of New York Mellon, 18480 Morrisson Avenue, Port Charlotte [Sections 3-2-117 & 3-9-5(b); FBC Section 105.1; & IPMC Sections 301.3, 302.7, 304.2, 304.6, 304.7, & 304.9] **NOT SERVED**

This case was continued due to lack of service.

Case No. COD-12-02069, Estate of Herbert Gray & Third Federal Savings & Loan, 19573 Midway Blvd, Port Charlotte [FBC Sections 105.4 & 109.3]

Lyndon Reinwald 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 *Charles Lindberg* and was passed unanimously.

Case No. COD-12-02430, Diane Morse, 18257 Edgewater Drive, Port Charlotte [Section 3-9-5(b) & FBC Section 105.1]

Lyndon Reinwald 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 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-12-02549, Five Ten Real Estate
Opportunities Fund I LLC, 4359 Homewood Street, Port
Charlotte [FBC Sections 105.4 & 109.3]**

Charlie Bush 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 or void the permit. 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** with one (1) opposing vote **Kathy Damewood**.

**Case No. COD-12-03150, Indrio Associates, Inc., 4127
James Street, #13 & #15, Port Charlotte [Sections 3-9-47(d)
& 3-9-82.1]**

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

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 **Suzy Hackett** and was passed unanimously.

**Case No. COD-12-03207, George Jurco, Jr., 25372
Rampart Boulevard, 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 *Charles Lindberg* and was passed unanimously.

XII. STAFF AND BOARD MEMBER COMMENTS

Shaun Cullin informed the Board that no discussion has taken place regarding a Special Magistrate and the County is not looking to replace the Board.

XIII. ADJOURNMENT

Richard Adomatis moved to adjourn the meeting. Motion was seconded by *Kathy Damewood* and was passed unanimously. The meeting adjourned at 11:57 am.

**CODE ENFORCEMENT BOARD MINUTES FOR JUNE 5, 2013
READ AND APPROVED ON JULY 3, 2013**

CODE ENFORCEMENT BOARD OF
CHARLOTTE COUNTY, FLORIDA

Alan L. LeBeau, Chairman

ATTEST:

Sandra Williamson
Administrative Assistant

