

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

October 2, 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
Craig Brown
Richard Adomatis
Kathy Damewood
Suzy Hackett
Charles Lindberg

Members Excused Absence:

Nicholas Theiss

IV. SWEARING IN OF ALL THOSE GIVING TESTIMONY TODAY

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

V. NEXT MEETING DATE

November 6, 2013

VI. APPROVAL OF MINUTES

Suzy Hackett moved to approve the minutes of **September 4, 2013**. The motion was seconded by *Charles Lindberg* 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.**

1. **Case No. COD-10-01722**, Ryan Burlew, 2192 Alton Road, Port Charlotte – Fifth Affidavit of Noncompliance - \$110.00.
2. **Case No. COD-11-00670**, Lloyd Lee, 22139 Hernando Avenue, Port Charlotte – Sixth Affidavit of Noncompliance - \$160.00.
3. **Case No. COD-11-00686**, Bruce Vilardi, 22129 Midway Boulevard, Port Charlotte – Seventh Affidavit of Noncompliance - \$272.00.
4. **Case No. COD-11-01225**, David Prouty, 2231 Claude Court, Port Charlotte – Sixth Affidavit of Noncompliance - \$160.00.
5. **Case No. COD-11-01688**, Matthew McAdams, 22008 Beverly Avenue, Port Charlotte – Fourth Affidavit of Noncompliance - \$5,610.00.
6. **Case No. COD-11-01786**, Marian Kencik, 4185 Flamingo Boulevard, Port Charlotte – Fifth Affidavit of Noncompliance - \$110.00.

Case No. COD-11-02145, Carlos Torres & Jennifer Ortiz, 18452 Meyer Avenue, Port Charlotte – Second Affidavit of Noncompliance - \$60.00.
7. **Case No. COD-11-02317**, Wells Fargo Bank, 3141 Crestwood Drive, Port Charlotte – Third Affidavit of Noncompliance - \$260.00.
8. **Case No. COD-11-02648**, DJ Knotts, Lisa Knotts, Ward Reynolds, & Renee Reynolds, 53 Coxswaine Circle, Rotonda – Second Affidavit of Noncompliance - \$60.00.

9. **Case No. COD-11-02716**, Federal National Mortgage Assoc., 4519 Belfountain Street, Port Charlotte - Fifth Affidavit of Noncompliance - \$6,410.00.
10. **Case No. COD-12-00023**, Thomas Kirkpatrick & Suzanne Kirkpatrick, 21961 Beverly Ave., Port Charlotte – Fourth Affidavit of Noncompliance - \$510.00.
11. **Case No. COD-12-00312**, Edisleydis Martinez, 4354 Durant Street, Port Charlotte – Fourth Affidavit of Noncompliance - \$3,410.00.
12. **Case No. COD-12-00697**, Eric Briner, 3057 Lockwood Street, Port Charlotte – Affidavit of Noncompliance - \$60.00.
13. **Case No. COD-12-00806**, Sharon McKissick-Perez, 3269 Daytona Drive, Punta Gorda –Third Affidavit of Noncompliance - \$110.00.

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

Kathy Damewood 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-12-01144**, Eric Wade & Laura Wade, 7473 Jennifer Drive, Port Charlotte – Third Affidavit of Noncompliance - \$115.00.
15. **Case No. COD-12-01328**, Roy Pearce, 3129 Bayberry Avenue, Punta Gorda – Second Affidavit of Noncompliance - \$2,910.00.
16. **Case No. COD-12-01449**, Estate of Eugene Mozias & Tatyana Sovetova, 22315 Hernando Avenue, Port Charlotte – Third Affidavit of Noncompliance - \$1,760.00.
17. **Case No. COD-12-01602**, Daniel Zammuto, 22456 Hernando Avenue, Port Charlotte – Affidavit of Noncompliance - \$110.00.

18. **Case No. COD-12-01604**, Estate of Lester Wilcox, 22363 Midway Boulevard, Port Charlotte – Fifth Affidavit of Noncompliance - \$110.00.
19. **Case No. COD-12-01771**, Timothy Kellar, 21662 Augusta Avenue, Port Charlotte – Affidavit of Noncompliance - \$85.00.
20. **Case No. COD-12-01862**, Susan Migliaccio, 251 Duxbury Avenue, Port Charlotte – Affidavit of Noncompliance - \$60.00.
21. **Case No. COD-12-01869**, Teresa Lucree, 254 W Tarpon Boulevard, Port Charlotte – Second Affidavit of Noncompliance - \$122.00.
22. **Case No. COD-12-02003**, Paul Cruz, 21945 Felton Avenue, Port Charlotte – Fourth Affidavit of Noncompliance - \$160.00.
23. **Case No. COD-12-02069**, Estate of Herbert Gray & Third Federal Savings Loan & Association of Cleveland, 19573 Midway Boulevard, Port Charlotte – Affidavit of Noncompliance - \$60.00.

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

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.

24. **Case No. COD-12-02207**, Federal National Mortgage Association, 3310 Loveland Boulevard, Unit 502, Port Charlotte – Affidavit of Noncompliance - \$110.00.
25. **Case No. COD-12-02372**, Stanley Kowalski & Diane Paluszek, 21939 Catherine Ave., Port Charlotte – Third Affidavit of Noncompliance - \$160.00.
26. **Case No. COD-12-02423**, Ildelfonso Gonzalez-Cruz, 9040 Anita Avenue, Englewood – Third Affidavit of Noncompliance - \$115.00.

27. **Case No. COD-12-02743**, Timothy Robinson & Sarah Robinson, 8918 Gulf St, Little Gasparilla Island, Placida – Affidavit of Noncompliance - \$110.00.
28. **Case No. COD-12-02771**, Joy Snead & Countrywide Home Loans, 3325 Normandy Dr, Port Charlotte – Third Affidavit of Noncompliance - \$110.00.
29. **Case No. COD-12-02906**, Jeremiahs International Trading Company, Inc., 2297 Wiley Street, Port Charlotte – Second Affidavit of Noncompliance - \$4,810.00.
30. **★Case No. COD-12-03016**, Bank of New York Mellon, 3212 Normandy Drive, Port Charlotte – Affidavit of Noncompliance - \$60.00.

Amanda Croteau represented the bank in this matter and provided testimony. She stated the certificate of title that was issued in the banks name had been vacated so the bank is not the owner of the property.

Suzy Hackett moved to continue this case to November 6, 2013. The motion was seconded by *Kathy Damewood* and was passed unanimously.

31. **Case No. COD-12-03144**, Aric Armstrong, 21287 Gertrude Avenue, Port Charlotte – Affidavit of Noncompliance - \$60.00.
32. **Case No. COD-12-03308**, Charles Sumrall, 3440 Easy Street, Port Charlotte – Affidavit of Noncompliance - \$110.00.
33. **Case No. COD-13-00137**, Michael Wutke & Estate of Gerald Wutke 3436 Edgehill Terrace, Charlotte – Affidavit of Noncompliance - \$1,022.00.
34. **Case No. COD-13-00137**, Michael Wutke & Estate of Gerald Wutke 3436 Edgehill Terrace, Port Charlotte – Second Affidavit of Noncompliance - \$110.00.
35. **Case No. COD-13-00596**, Michael Attruia, Jr., 14 Oakland Hills Road, Rotonda West – Affidavit of Noncompliance - \$60.00.

36. **Case No. COD-13-00737**, Steven Blake & Heather Julian, 3397 Croton Terrace, Port Charlotte – Affidavit of Noncompliance - \$160.00.

Kathy Damewood moved to approve the fines as stated in the Affidavits of Noncompliance with the exception of **Case Nos. COD-12-00806, COD-12-02069, and COD-12-03016**. The motion was seconded by *Richard Adomatis* and was passed unanimously.

X. **NEW BUSINESS**

Case No. COD-13-01198, Jan Musil, 21170 Glendale Avenue, Port Charlotte [Section 3-9-5(b); & FBC Section 105.1; & IPMC Sections 301.2, 304.7, 304.13, 304.13.1, 304.13.2, 304.14, 305.1, 305.3, 501.2, 604.3, 702.1, & 702.4]

Derek Rooney represented the respondent in this matter. He requested a continuance in this case.

Rhonda Leonard Certified Code Compliance Officer provided testimony and gave the Board a brief history on this case.

Kathy Damewood moved to continue this case to the November 6, 2013 meeting. The motion was seconded by *Richard Adomatis* and was passed unanimously.

Case No. COD-12-02005, Jan Musil, 3432 Easy Street, 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 108.1, 108.1.2, 108.1.3, 301.2, 304.15, 305.1, 305.3, 505.1, 505.3, 505.4, 601.2, 603.1, & 604.3]

Derek Rooney represented the respondent in this matter. He requested a continuance in this case.

Richard Adomatis moved to continue this case to the November 6, 2013 meeting. The motion was seconded by *Kathy Damewood* and was passed unanimously.

Case No. COD-13-01380, Jan Musil, 3068 Key Lane, Port Charlotte [Section 3-9-5(b) & FBC Section 105.1]

Derek Rooney represented the respondent in this matter. He requested a continuance in this case.

Suzy Hackett moved to continue this case to the November 6, 2013 meeting. The motion was seconded by **Richard Adomatis** and was passed unanimously.

Case No. COD-13-01514, Erich Aranyos & Leslie Young, 1529 David Place, Englewood [Sections 2-5-72, 3-9-32(d), 3-9-61, & 3-9-82.1; & FBC Sections 105.4 & 109.3]

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

Erich Aranyos was present and provided testimony to the Board.

Suzy Hackett moved the Respondents are in violation as charged with the exception of Section 3-9-61. The Respondents have 30 days from the date of this Order to clear the zoning violations and 60 days from the date of this Order 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. 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-13-01535, Harold Wells, 831 E Fifth Street, Englewood [IPMC Sections 108.1.1, 108.1.3, 108.1.5(3), 109.1, 301.2, 301.3, 304.1.1(8), & 304.7]

Rick Towne 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 bring the property into compliance with the International Property Maintenance Codes and apply for and obtain all applicable permits or obtain a demolition permit to remove the structure from 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. 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-13-00506, GMAC Mortgage, LLC, 714
Lomond Drive, Port Charlotte [Sections 2-5-72 & 3-5-96; &
IPMC Sections 301.2, 302.7, & 303.1]**

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

Richard Adomatis moved the Respondent is in violation as charged. The Respondent has 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. 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-13-01048, Ivan Cabrera, 2315 Lee Terrace,
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
108.1.2, 301.2, 301.3, 302.7, 304.1, 304.2, 304.15, 604.1,
604.3, & 702.3]**

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

Suzy Hackett moved the Respondent is in violation as charged with the exception

of International Property Maintenance Code Section 702.3. The Respondent has 15 days from the date of this Order to clear the zoning violations and 30 days to renew the expired permit and obtain final inspection; bring the property into compliance with the International Property Maintenance Codes; and 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-13-01417, Grace Case, 3469 Maple Terrace,
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 ***Charles Lindberg*** and was passed unanimously.

***Case No. COD-13-01528, Chris Ehlers, Leola Ehlers, &
Angelita Ricewick, 21162 Bersell Avenue, Port Charlotte
[Sections 2-5-72, 3-9-32(d), & 3-9-82.1; & IPMC Sections
108.1.3, 108.1.5(7), 301.2, 301.3, 304.2, 304.6, 304.13.2,
304.14, 304.15, 305.1, 305.3, 305.6, 309.1, 501.2, 505.1,
505.3, 506.1, 602.1, 604.1, 604.3, 702.1, & 702.4]***

Rhonda Leonard 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 date of this Order to clear the zoning violations and 30 days 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. 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-13-1573, George Figueroa, Jr., 3221 Easy Street, Port Charlotte [Section 3-9-5(b) & FBC Sections 105.1, 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 renew the expired permit and obtain final inspection and 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. The motion was seconded by ***Richard Adomatis*** and was passed unanimously.

Case No. COD-13-01704, Kevin Robertson & Jennifer Robertson, 3372 Maple Terrace, Port Charlotte [Sections 2-5-72, 3-9-32(d), & 3-9-82.1; & IPMC Sections 108.1.3, 301.2, 301.3, 302.1, 302.5, 304.1, 304.2, 304.7, 304.14, 305.1, 305.3, 309.1, 501.2, 504.1, 505.1, 505.3, 602.1, & 604.1]

Rhonda Leonard 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 date of this Order to clear the zoning violations and 30 days 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 \$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-13-01855, Mario Escalera & Carleen Escalera, 21387 Meehan Avenue, Port Charlotte [Section 2-5-72]

Rhonda Leonard 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 date of this Order to clear the zoning violation. Failure to bring the property into compliance or to stay in compliance shall be punished by a fine of \$250.00 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 **Kathy Damewood** and was passed unanimously.

Case No. COD-13-01905, Jesus Chavez, 22031 Felton Avenue, Port Charlotte [Section 2-5-72]

Rhonda Leonard 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 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-13-01987, Estate of Doris Waters, 3284 Easy Street, Port Charlotte [Section 2-5-72]

Rhonda Leonard 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 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 \$250.00 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-13-00087, JAYB, Inc, 401 Cypress Avenue,
Port Charlotte [FBC Sections 105.4 & 109.3]

This case was continued to November 6, 2013

Case No. COD-13-00572, Theodore Dziadyk & Katherine
Dziadyk, 25152 Aysen Drive, Punta Gorda [Section 3-2-115; &
FBC Section 424.2.17; & IPMC Sections 301.3 & 303.2]

Rick Dalton 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 clear the zoning violation and 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. The motion was seconded by *Richard Adomatis* and was passed unanimously.

Case No. COD-13-01231, Robert Correia, 1145 Inverness
Street, Port Charlotte [Sections 2-5-72, 3-9-32(d), & 3-9-82.1]

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

Kathy Damewood moved the Respondent is in violation as charged. Failure to keep 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-13-01389, Nancy Berry, Trustee, 23099
Peachland Boulevard, Port Charlotte [Sections 2-5-72, 3-9-
32(d), & 3-9-82.1; & FBC Sections 105.4 & 109.3]

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

Charles Lindberg 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 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. 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.

XI STAFF/BOARD MEMBER COMMENTS:

Kathy Damewood commented that the Florida Standard Sales Contract has been changed and now title companies will need to do diligent research on properties.

XII. ADJOURNMENT

Suzy Hackett moved to adjourn the meeting. Motion was seconded by *Kathy Damewood* and was passed unanimously. The meeting adjourned at 10:42 am.

**CODE ENFORCEMENT BOARD MINUTES FOR OCTOBER 2, 2013
READ AND APPROVED ON NOVEMBER 6, 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.