

**CODE ENFORCEMENT BOARD
MEETING
JULY 24, 2019**

MEMBERS PRESENT: John Chalifoux, Chairman
Henry Bauman, William Brennan, Nora Giardina,
Timothy Heggan, Paul Sacilotto, Edward Weiner

OTHERS PRESENT: City Attorney David Levin
Lisa Hannon, Zoning Official
David McCarty, Code Compliance Supervisor
Lavosia Price, Code Compliance Officer
Allen McDaniel, Code Compliance Officer
Nick Falkner, Code Compliance Officer
Jennifer Daumann, Executive Assistant
Colleen Wilson

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- B. Next Scheduled Meeting
- 1. August 25, 2019

APPROVAL OF MINUTES

- A. June 26, 2019
- Mr. Weiner MOVED, Mr. Bauman SECONDED approval of the June 26, 2019 minutes.
MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- Recording Secretary Pues swore in all participants.
- A. 19-72381 - CODE COMPLIANCE OFFICER – ALLEN MCDANIEL
Respondents: Kings Court Villas Condominium Association, Inc.
Registered Agent: Brenda Binder
Address of Violation: 810 Kings Court
Violations of: Chapter 26, Section 1.4; and Chapter 26, Section 1.5; and Violation of
Chapter 26, Section 1.10 No Permit
- Mr. Chalifoux entered a plea of not guilty on behalf of the absent respondent.
- Mr. Allen McDaniel, Code Compliance Officer, displayed several photographs of the
subject property, located within City limits, stating a May 22, 2019, inspection found the
property owner had two dumpster enclosures constructed without obtaining a permit.
He reported as of July 23, 2019 the violation remained. He requested a Cease and Desist
Order for future violations and submitted an invoice for case costs incurred in the
amount of \$12.15.

- Mr. Brennan MOVED, Mr. Bauman SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Discussion ensued regarding the permitting of new construction, with members confirming the dumpster enclosures did not replace existing enclosures.
 - Mr. Weiner MOVED, Mr. Heggan SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations, to order the property be brought into compliance within 20 days and to require payment of case costs incurred in the amount of \$12.15 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.
- B. 19-72707 – CODE COMPLIANCE OFFICER – NICK FALKNER
 Respondents: William & Colleen Wilson
 Address of Violation: 319 San Carlos Drive
 Violation of Chapter 9, Section 9-2 (h) Tall Grass and/or Weeds.
- Ms. Colleen Wilson, respondent, entered a plea of not guilty.
 - Mr. Nick Falkner, Code Compliance Officer, displayed several photographs of the subject property, located within City limits, stating a June 3, 2019, inspection found tall grass and/or weeds on the property. He reviewed the City's efforts to bring the property into compliance, noting inspections on June 10, 2019, and June 17, 2019, found the violations had remained; however, inspections on July 23, 2019, found the violations had been corrected. He requested a Cease and Desist Order for future violations and submitted an invoice for case costs incurred in the amount of \$12.
 - Mr. Bauman MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
 - Ms. Wilson stated she was recently in the hospital and her lawnmower had not been working.
 - Mr. Brennan MOVED, Mr. Bauman SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require payment of case costs incurred in the amount of \$12 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.
- C. 19-72400 – CODE COMPLIANCE OFFICER – LAVOSIA PRICE, JR.
 Respondents: Michael J. Chapman
 Address of Violation: 85 Colony Point Drive
 Violations of: Chapter 6, Section 6-7 (d) Maintenance of Seawalls; and Chapter 26, Section 8.13 (a) SOD Right-of-Way.
- Mr. Lavosia Price, Code Compliance Officer, requested to continue the case to the August 25, 2019 meeting.

- Mr. Weiner MOVED, Mr. Sacilotto SECONDED to continue Case #19-72400 to the August 25, 2019 meeting. MOTION CARRIED UNANIMOUSLY.
- D. 19-72713 – CODE COMPLIANCE OFFICER – NICK FALKNER
- Respondents: Brian Ross Orme, Life Estate
- Address of Violation: 419 San Marie Drive
- Violations of Chapter 9, Section 9-2 (a); and Chapter 26, Section 8.14 (b) Outdoor Storage; and Chapter 26, Section 8.11 (b) Maintenance – Soffit/Broken Window.
- Mr. Chalifoux entered a plea of not guilty on behalf of the absent respondent.
 - City Attorney David Levin announced Mr. Heggan had brought this case forward, requesting he abstain from deliberations and voting to ensure due process for the respondent.

NOTE: Mr. Heggan left the dais at 9:22 a.m.

- Mr. Falkner displayed several photographs of the subject property, located within City limits, stating a May 31, 2019, inspection found outdoor storage throughout the property, along with a missing soffit on the left side of the structure and a broken window on the rear of structure. He reviewed the City’s efforts to bring the property into compliance, noting inspections on June 26, 2019, and July 23, 2019, found the violations related to outdoor storage and the missing soffit remained. He then submitted an invoice for case costs incurred in the amount of \$18.86.
- Mr. Bauman MOVED, Mr. Sacilotto SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Chalifoux inquired as to the history of violations at the property.
- Mr. Falkner replied the property had a Cease and Desist Order for outdoor storage; however, this case was not a repeat violation due to the new violations related to the soffit and window.
- Mr. Timothy Heggan attested the property had been in a state of disrepair for approximately two years, expressing concern regarding impacts on safety and property values.
- Ms. Giardina MOVED, Mr. Bauman SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations, to order the property be brought into compliance within 10 days and to require payment of case costs incurred in the amount of \$18.86 within 10 days, subject to a fine of \$250 per day plus applicable interest. MOTION CARRIED UNANIMOUSLY.

NOTE: Mr. Heggan returned to the dais at 9:36 a.m.

NOTE: Mr. Brennan left the meeting at 9:38 a.m.

STAFF COMMENTS

- Mr. David McCarty, Code Compliance Supervisor, provided a detailed presentation which reviewed code enforcement policies and procedures, the duties of the Board and the rights and responsibilities of respondents.
- City Attorney Levin provided an overview of the history of code enforcement in Florida, then reviewing the process used to enforce the Board's orders and impose penalties.
- Ms. Giardina confirmed a respondent's history of violations could be provided for members' consideration during hearings imposing penalty.

COMMITTEE/BOARD COMMENTS

- Mr. Weiner commented favorably on Mr. John Burrage's service to the City.
- Recording Secretary Pues opened the floor for nominations for Vice Chair.
- Mr. Chalifoux NOMINATED Mr. Bauman.
- Recording Secretary Pues confirmed there were no other nominations, thus Mr. Bauman was appointed Vice Chair via acclamation.

CITIZENS' COMMENTS

- There were none.

ADJOURNMENT

- Meeting Adjourned: 10:30 a.m.

John Chalifoux, Chairman

Leah Pues, Recording Secretary