

**CODE ENFORCEMENT BOARD
MEETING
FEBRUARY 28, 2018**

MEMBERS PRESENT: Norman Ashworth, Chairman
Henry Bauman, Trudi Baxter, William Brennan,
John Burrage, John Chalifoux, Vic Poitras

OTHERS PRESENT: Nick Falkner, Allen McDaniel, Code Compliance Officers; Lisa Hannon, Zoning Official; David Levin, City Attorney; David McCarty, Code Compliance Supervisor; Jennifer Daumann, Executive Assistant; Lura Jean Anderson, Cathy Getz, Wes DeMott

CALL TO ORDER/ANNOUNCEMENTS

- A. Roll Call
- 1. Roll Call
- B. Next Scheduled Meeting
- 1. March 28, 2018

APPROVAL OF MINUTES

- A. January 24, 2018
- Mr. Burrage MOVED, Mr. Chalifoux SECONDED approval of the January 24, 2018 minutes. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

- Recording Secretary Kelly swore in all participants.
- A. 17-65614 – CODE COMPLIANCE OFFICER – NICK FALKNER
- Respondents: Daniel & Lura Jean Anderson
c/o Rebecca Anderson, Tenant
- Address of Violation: 337 San Marie Drive
- Violation of Chapter 5, Section 5-1 1, 2, 6, 7, Animals, public nuisance; and Chapter 26, Section 26-3.7(d), Neighborhood Residential District; and Chapter 26, Section 26-8.14(b), Outdoor storage; and Chapter 9, Section 9-2(a), Outdoor storage; and Chapter 26, Section 26-8.5(b)2(c), Unpermitted fence
- Ms. Lura Jean Anderson, 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 November 21, 2017, inspection found feces/droppings on the front yard of the property from two pot belly pigs, as well as outdoor storage consisting of a white exterior door and agricultural-grade wire fencing at the rear of the property. He reviewed the City's efforts to bring the property into compliance, noting a re-inspection conducted January 11, 2018, found the white

exterior door had been removed, but the other violations remained. He concluded re-inspection the previous day found the property to be in compliance with the exception of a missing piece of fence. He then submitted an invoice for case costs incurred in the amount of \$28.26.

- Mr. Chalifoux MOVED, Mr. Poitras SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Anderson stated the fencing had been in place when she purchased the property in 2014, adding she believed same had been permitted. She mentioned she had been residing out of State for the past two years due to a family illness. She confirmed the wire fencing, which was not agricultural-grade, had been removed as of this date, providing a detailed explanation of her plans for the property.
- Mr. Chalifoux clarified the property was currently in compliance, requesting clarification of the violation.
- Mr. Falkner explained City Code required the fencing to be complete.
- Ms. Lisa Hannon, Zoning Official, interjected the permit application depicted a solid fence surrounding the property. She advised the respondent must submit a written statement or request to amend the original permit.
- Mr. Ashworth clarified a written statement/request would rectify the situation.
- Mr. Chalifoux MOVED to find the respondent not guilty.
- MOTION DIED FOR LACK OF A SECOND.
- Mr. Bauman MOVED, Mr. Burrage SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations, to require the respondent to file a request to amend the existing fence permit within 30 days and to require payment of case costs incurred in the amount of \$28.26.
- VOTING AYE: Bauman, Baxter, Brennan, Burrage, Poitras, Ashworth.
- VOTING NAY: Chalifoux.
- MOTION CARRIED.

B. 17-65936 – CODE COMPLIANCE OFFICER – ALLEN MCDANIEL

Respondent: Jane Lear Demarks, Trustee

Address of Violation: 2755 St. Thomas Drive

Violation of Chapter 26, Section 26-8.11(e), Bare areas of soil

- Mr. Allen McDaniel, Code Compliance Officer, requested a dismissal as the property was in compliance.
- Mr. Chalifoux MOVED, Mr. Burrage SECONDED to dismiss Case #17-65936. MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

- A. 17-64367 – CODE COMPLIANCE SUPERVISOR – DAVID MCCARTY
Respondents: Emerald Pointe Phase 1
Address of Violation: 25188 Marion Avenue
Violation of Chapter 9, Section 9-2(h) and;
Violation of Chapter 26, Section 26-8.11(c),(e)1, Wild overgrowth/stagnant water
- City Attorney David Levin stated he had discovered the Charlotte County Property Appraiser's records were incorrect with respect to ownership of the subject property; thus, the case had to be dismissed. He clarified a new case had been opened with the correct respondent, adding the respondent had taken steps to bring the property into compliance. He noted certain jurisdictional issues remained outstanding.
 - Mr. Chalifoux MOVED, Mr. Bauman SECONDED to dismiss Case #17-64367. MOTION CARRIED UNANIMOUSLY.

STAFF COMMENTS

- A. Election of Chairman and Vice Chairman
- Mr. Ashworth announced his term would expire in July 2018.
 - Recording Secretary opened the floor for nominations for Chairman.
 - Ms. Baxter NOMINATED Mr. Poitras for Chairman.
 - Mr. Burrage NOMINATED Mr. Chalifoux for Chairman.
 - Recording Secretary confirmed there were no other nominations and called for a show of hands for each nominee, announcing Mr. Chalifoux was appointed Chairman by a majority vote. She then opened the floor for nominations for Vice Chairman.
 - Mr. Bauman NOMINATED Mr. Poitras for Vice Chairman.
 - Recording Secretary Kelly called three times for any other nominations, announcing Mr. Poitras was appointed Vice Chairman by acclamation.

COMMITTEE/BOARD COMMENTS

- Mr. Chalifoux commended Mr. Ashworth on his service, both as a member and as Chairman.

CITIZENS COMMENTS

- Ms. Cathy Getz suggested the City's procedures should be amended to not require individuals such as Ms. Anderson to travel long distances.
- Mr. Wes DeMott commented briefly on Emerald Pointe's ownership.
- Ms. Anderson stated she and her husband had intended to come to the area this date before they were aware of the hearing.

ADJOURNMENT

- Meeting Adjourned: 9:37 a.m.

Norman Ashworth, Chairman

Mary Kelly, Recording Secretary