

**CODE ENFORCEMENT BOARD  
MEETING  
NOVEMBER 15, 2011**

**MEMBERS PRESENT:** Gloria Sepanik, Chairman  
Norman Ashworth, Charles Council, Herman Novak,  
Carol Perry, Vic Poitras, Joyce Thompson

**MEMBERS ABSENT:** Ed Viola

**OTHERS PRESENT:** Maricela Perdomo, Code Compliance Officer; David Levin, City Attorney; Teri Tubbs, Zoning Official; David McCarty, Code Compliance Coordinator

**CALL TO ORDER/ANNOUNCEMENTS**

- A. Roll Call
- B. Next Scheduled Meeting - Thursday, December 15, 2011
  - Ms. Sepanik reminded members the next meeting day had been changed due to the holidays.

**APPROVAL OF MINUTES**

- A. Meeting of October 26, 2011
  - Mr. Ashworth MOVED, Mr. Council SECONDED approval of the October 26, 2011 minutes. MOTION CARRIED UNANIMOUSLY.

**NEW BUSINESS**

- Recording Secretary Kelly swore in all participants.
- A. 11-44530 - CODE COMPLIANCE OFFICER - MARICELA PERDOMO
  - Respondent: Sharon M. Landry
  - Address of Violation: 311 Capri Isles Court
  - Violation of Chapter 9A, Section 9A-12(e) and Chapter 26, Section 26-3.13(r), Unlicensed and/or inoperative watercraft stored in the rear of the property.
  - Ms. Sepanik noted the respondent was not present, confirming there was no objection to entering a plea of not guilty on her behalf.
  - Ms. Maricela Perdomo, Code Compliance Officer, displayed a photograph of the alleged violation, confirming the subject property was located within City limits. She stated she had received various complaints regarding the watercraft at this location, adding on October 4, 2011, she observed same in the rear of the property. She mentioned the property was vacant; therefore, a Notice of Violation was sent to the owner on October 5, 2011; however, the Notice of Violation was returned undeliverable, and the property was then posted on October 13, 2011. She advised a re-inspection on October 25, 2011, indicated the violation remained, adding a Notice of Hearing was sent and

posted on October 26, 2011. She continued on November 15, 2011, Mr. Roger Debruler of the Derelict Vessel Program and Charlotte County Marine Resource Assistant advised the vessel was owned by Mr. Alto Blanding, a previous renter who had left the vessel after vacating the property. She stated Mr. Debruler advised the vessel could not be removed as it was worth over \$100, adding the property owner did not possess a title for the boat. She noted she made several attempts to contact Mr. Blanding in Tampa, Florida, to no avail. She announced a re-inspection of the property on November 14, 2011, indicated the violation remained. She explained Ms. Beverly Blanding contacted her this date to state the boat had been given to someone, adding Ms. Blanding had understood the boat had been removed. She mentioned Ms. Blanding also advised she had attempted to remove the boat a few days earlier but was unsuccessful; however, Ms. Blanding further advised the boat would be removed by November 21, 2011.

- Mr. Council MOVED, Mr. Ashworth SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Ms. Perdomo commented the respondent, Ms. Sharon Landry, was in a difficult position as she owned the property but had no ownership rights to the vessel and thus could not legally remove same.
- Mr. Ashworth questioned ownership of the boat.
- Ms. Perdomo expressed uncertainty regarding same, stating she assumed Mr. Blanding held the title.
- Mr. Ashworth asked if Ms. Blanding confirmed possession of the boat title.
- Ms. Perdomo replied in the negative.
- Ms. Thompson asked if the boat owner and property owner were related.
- Ms. Perdomo replied they were not.
- Ms. Perry clarified the Blanding's had previously rented the property.
- Mr. Council opined the boat could not be considered abandoned as recent efforts had been made to relocate same.
- City Attorney David Levin acknowledged this was not the best of situations; however, City staff should not be held responsible for assisting the property owner to ensure maintenance of her property in accordance with City Code. He opined staff had gone well beyond their required duties, suggesting the Board find the respondent in violation and grant a reasonable amount of time to come into compliance.
- Ms. Thompson commented it appeared the boat was not operable, stating moving the boat to a different location would most likely result in a similar violation in the future.

- City Attorney Levin reiterated the burden of eliminating the violation was not on the City. He noted the property owner had the option of taking legal action against the renters of her property.
- Mr. Council MOVED, Mr. Poitras SECONDED to find the respondent guilty, to issue a Cease & Desist Order for any future violations and to require the violation to be eliminated within 15 days of receipt of the Board's Order subject to a fine of up to \$250 per day. MOTION CARRIED UNANIMOUSLY.

**UNFINISHED BUSINESS**

A. Repeat Violation

11-44440 – CODE COMPLIANCE OFFICER – MARICELA PERDOMO

Respondent: Jeffrey C. Ogle

Address of Violation: 1426 Sea Fan Drive

Repeat Violation of Chapter 26, Section 26-8.11(c)(e)(f), Tall grass and/or weeds throughout the property, including landscaped areas.

- Ms. Sepanik noted the respondent was not present, confirming there was no objection to entering a plea of not guilty on his behalf.
- Ms. Perdomo displayed several photographs of the alleged violation, confirming the subject property was located within City limits. She stated on September 26, 2009, the respondent was issued a Cease & Desist Order for future violations relating to tall grass and weeds. She mentioned the violation was repeated on December 23, 2009, at which time the Board imposed a fine of \$25 for 1 day of non-compliance. She continued an inspection of the property on September 27, 2011, found the property was in repeat violation for tall grass and weeds, including the landscaped areas. She stated a Notice was issued and received by the respondent on October 8, 2011. She summarized an inspection on October 5, 2011, indicated the violation was remedied. She concluded the violation ran from September 27, 2011, to October 5, 2011, for a total of 9 days.
- Mr. Council MOVED, Ms. Perry SECONDED the City had presented a prima facie case. MOTION CARRIED UNANIMOUSLY.
- Mr. Poitras confirmed the respondent did not reside in the home.
- Ms. Perdomo clarified the home was unoccupied.
- Ms. Thompson confirmed all violations identified in previous years had been eliminated.
- Ms. Perry asked if the grass had been cut as of this date.

- Ms. Perdomo replied affirmatively. She noted the case was originally intended to be presented at the previous Board meeting; however, the respondent, Mr. Jeffrey Ogle, had requested a continuance to this date, acknowledging he was not present.
- Mr. Poitras questioned the potential daily fine the Board could impose.
- Ms. Sepanik replied up to \$500 per day.
- Mr. Ashworth confirmed there had been no violation since October 5, 2011.
- Mr. Council commented a fair amount of staff time had been required in order to finally have the property brought into compliance.
- Mr. Poitras expressed concern in that Mr. Ogle was a repeat offender, adding he had requested a continuance to this date but had not appeared to plead his case.
- Ms. Thompson opined the respondent was disregarding the Board's Order, stating perhaps the maximum penalty should be imposed.
- Discussion ensued with regard to the fine amount.
- City Attorney Levin asked the Board to consider the fact the respondent had saved the cost of mowing for a number of weeks. He reminded members of the impact of the condition of the property to the neighborhood.
- Mr. Council MOVED, Ms. Perry SECONDED to find the respondent guilty of repeat non-compliance with the Board's Order and to impose a fine of \$450 representing a fine of \$50 per day for 9 days. MOTION CARRIED UNANIMOUSLY.

**MEMBER COMMENTS**

- Ms. Perry commended staff for a job well done.

**ADJOURNMENT**

- Meeting Adjourned: 9:27 a.m.

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Gloria Sepanik, Chairman

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Mary Kelly, Recording Secretary