



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Minutes - Final Code Enforcement Hearing

Thursday, October 24, 2019

9:00 AM

City Commission Chambers

Approved at the December 5, 2019 Meeting.

1. CALL TO ORDER

Hearing Officer Toale called the meeting to order at 9:02 a.m.

Also Present:

Assistant City Attorney Michael Golen, Lien Specialist Trysta Cassell, Code Enforcement Officers Kevin Raducci, Jeffrey Guilbault and Henley Burton, Melissa McThenia, Zoning Development Tech II, Steve Platt, Infrastructure Inspector and Recording Secretary Ida Goodman.

2. The Pledge of Allegiance was led by Hearing Officer Toale.

3. PUBLIC COMMENT

There was no public comment.

4. APPROVAL OF MINUTES

[19-1233](#)

Minutes for the September 26, 2019 Code Enforcement Hearing

Hearing Officer Toale approved the September 26, 2019 Code Enforcement Hearing Minutes as presented.

5. REVIEW OF PROCEDURES AND ADMINISTRATION OF OATH

Hearing Officer Toale provided an overview of the procedures noting that the next Code Enforcement Hearing is scheduled for December 5, 2019 and Recording Secretary Goodman swore in all those wishing to give testimony.

6. COMPLIANT CASES

Ms. Cassell noted all compliant cases were listed on the agenda with no further action required.

[Case No.](#)
[19-3578](#)

(KMR) Cheryle Lippolt, 5462 Allen Rd.

Chapter 42-23, North Port City Code

(Debris in the back yard consisting of plastic tubs and planters)

ACTION: Ten (10) days to achieve compliance (no later than October 06, 2019) or a \$10/day fine up to a maximum of \$1,000.00 beginning October 07, 2019.

This case was brought into compliance with no further action required.

[Case No. 19-4935](#) (KMR) Timothy & Beverly Spates, 4987 Abate Ave.
Chapter 105.1, Florida Building Code
(Permit for a storage canopy was applied for and never picked up)

This case was brought into compliance with no further action required.

[Case No. 19-5275](#) (JAG) Paul & Pauline Stickler, 3756 Ulman Ave.
Section 105.4.1.1, Florida Building Code
(Permit number 16-3599 for water heater solar has expired)

This case was brought into compliance with no further action required.

[Case No. 19-5603](#) (JAG) Benjamin & Sharalee Halvorsen, 6315 N. Biscayne Dr.
Chapter 105.1, Florida Building Code
(No permit on file for the detached garage on this property)

This case was brought into compliance with no further action required.

[Case No. 19-5731](#) (JAG) Michael Dimkovski, 7820 Minardi St.
Chapter 62-50, North Port City Code
(Solid Waste containers stored improperly in the front yard)

This case was brought into compliance with no further action required.

[Case No. 19-5798](#) (HLB) Jessie B. & Robert L. Jackson, 2566 N. San Mateo Dr.
Chapter 70-56, North Port City Code
(Assigned numbers affixed to the residence is missing one or more digits)

This case was brought into compliance with no further action required.

[Case No. 19-5932](#) (HLB) Debra Powell, 2753 Brewster Rd.
Chapter 42-23, North Port City Code
(Debris consisting of a tire, cooler, household items and other miscellaneous items in the driveway and on the right side of residence.)

This case was brought into compliance with no further action required.

[Case No. 19-5969](#) (HLB) Jasen & Amy Collins, 1284 Fitzgerald Rd.
Sec. 59-16(f)(3), North Port City Code
(A black car, boat and a trailer parked in the City right-of-away in front of a vacant lot rear)
Sec. 59-16(f)(4), North Port City Code
(RV parked in the City right-of-way of this property)

This case was brought into compliance with no further action required.

7. CONTINUED CASES

8. 1ST HEARING CASES**Case No.
19-5175**

(KMR) Jeffery J. Russell, 2606 Fielders Rd.

Sec. 59-16(c), North Port City Code

(A heavily damaged white travel trailer abandoned on this vacant lot)

ACTION: Twenty-five (25) days to achieve compliance (no later than November 18, 2019) or \$10/day fine up to a maximum of \$1,000.00 beginning November 19, 2019.

Officer Raducci, being duly sworn, provided an overview, testified that the property is still in violation, there has been no contact with the property owner and entered photograph exhibit 1 into evidence.

Based on evidence presented Hearing Officer Toale found Case No. 19-5175/2606 Fielders Road to be in violation of Section 59-16 (c), North Port City Code, giving the Respondent until November 18, 2019 to comply or assess a fine of \$10.00 per day thereafter with a maximum fine of \$1,000.00.

**Case No.
19-5277**

(KMR) Seth & Marika Harvey, 1330 Fitzgerald Rd.

Chapter 105.1, Florida Building Code

(Permit #17-118 for water heater solar was never picked up)

Officer Raducci, being duly sworn, provided an overview and requested a continuance.

Based on the evidence presented Hearing Officer Toale continued case No. 19-5277/1330 Fitzgerald Road to the December 5, 2019 Code Enforcement Hearing.

**Case No.
19-5290**

(JAG) Ragon D. Moss Jr., 6542 Skyview Dr.

Chapter 105.1, Florida Building Code

(Residential remodel is in a submitted status and has not been picked up, enclosure of the back porch of this property has been started without a permit.)

Officer Guilbault, being duly sworn, provided an overview and testified that the property is still in violation.

Based on evidence presented Hearing Officer Toale found Case No. 19-5290/6542 Skyview Drive to be in violation of Chapter 105.1, Florida Building Code, giving the Respondent until November 18, 2019 to comply or assess a fine of \$10.00 per day thereafter with a maximum fine of \$5,000.00.

**Case No.
19-5395**

(KMR) Sverre Fatland, 2003 Ivor Ave.

Chapter 105.1, Florida Building Code

(No permit on file for the rear lanai enclosure, an after the fact residential remodel permit is required.)

Officer Raducci, being duly sworn, provided an overview, testified that he has had contact with the owner, as of October 22, 2019 the property was still in violation and entered photograph exhibit 1 into evidence.

The meeting went into recess from 9:10 a.m. to 9:16 a.m.

Norlend Henry, Tenant, and Respondent Ichele Lumerc, being duly sworn, testified that

the plywood in question is not attached or permanent and does not constitute the creation of an unpermitted structure (room) and agreed to allow Officer Raducci to inspect the property to ensure the plywood is not a permanent structure.

Hearing Officer Raducci noted that he would be bringing the building inspector with him when he inspects the property.

Based on the evidence presented Hearing Officer Toale continued case No. 19-5395/2003 Ivor Avenue to the December 5, 2019 Code Enforcement Hearing.

Case No.
19-5441

(GTS) Rochell L. Woodward, 4819 Ariton Rd.

Chapter 42-23, North Port City Code

(Debris consisting of tree trimmings in front yard near the street)

ACTION: Twenty-five (25) days to achieve compliance (no later than November 18, 2019) or \$10/day fine up to a maximum of \$1,000.00 beginning November 19, 2019.

Officer Raducci, being duly sworn, provided an overview, testified that the property is still in violation and entered photograph exhibit 1 into evidence.

Based on evidence presented Hearing Officer Toale found Case No. 19-5441/4819 Ariton Road to be in violation of Chapter 42-23, North Port City Code, giving the Respondent until November 18, 2019 to comply or assess a fine of \$10.00 per day thereafter with a maximum fine of \$1,000.00.

Case No.
19-5529

(HLB) Millard W. Eheart, 4047 Suburban Ln.

Chapter 42-23, North Port City Code

(Wooden fence is disrepair, down in many areas in the rear of this property)

Officer Burton, being duly sworn, provided an overview, testified that he has had contact with the property owner who is working on bringing the property into compliance, entered photograph exhibits 1 - 5 into evidence and requested a continuance.

Based on evidence presented, Hearing Officer Toale continued Case No. 19-5529/4047 Suburban Lane to the December 5, 2019 Code Enforcement Hearing.

Case No.
19-5548

(KMR) Next Era Homes Pruden LLC, 4368 Las Almanos Ave.

Section 105.4.1.1, Florida Building Code

(Permit number 17-5699 for residential new construction has expired)

ACTION: Twenty-five (25) days to achieve compliance (no later than November 18, 2019) or \$50/day fine up to a maximum of \$5,000.00 beginning November 19, 2019.

Officer Ruducci, being duly sworn, provided an overview, testified that the property is still in violation and entered photograph exhibit 1 into evidence.

Based on evidence presented Hearing Officer Toale found Case No. 19-5548/4368 Las Almanos Avenue to be in violation of Section 105.4.1.1, Florida Building Code, giving the Respondent until November 18, 2019 to comply or assess a fine of \$50.00 per day thereafter with a maximum fine of \$5,000.00.

Case No.
19-5567

(KMR) Channel Drive Investments LLC, 2806 Chickasaw Ave.

Section 105.4.1.1, Florida Building Code

(Permit number 17-5694 has expired for new residential single-family home build)

ACTION: Twenty-five (25) days to achieve compliance (no later than November 18, 2019) or \$50/day fine up to a maximum of \$5,000.00 beginning November 19, 2019.

Officer Raducci, being duly sworn, provided an overview, testified the property is still in violation and entered photograph 1 into evidence.

Based on evidence presented Hearing Officer Toale found Case No. 19-5567/2806 Chickawaw Avenue to be in violation of Section 105.4.1.1, Florida Building Code, giving the Respondent until November 18, 2019 to comply or assess a fine of \$50.00 per day thereafter with a maximum fine of \$5,000.00.

Case No.
19-5612

(HLB) Millard W. Eheart, 4047 Suburban Ln.

Chapter 42-23, North Port City Code

(Debris in front of property consisting of pet cages, lawnmower, totes, buckets, motorized chairs and miscellaneous items on the right side of the property and scattered throughout the back yard consisting of buckets, containers and miscellaneous items.)

ACTION: Twenty-five (25) days to achieve compliance (no later than December 30, 2019) or \$10/day fine up to a maximum of \$1,000.00 beginning December 31, 2019.

Officer Burton, being dully sworn, provided an overview, testified that the property owner requested a continuance and entered photograph exhibits 1 - 5 into evidence.

Based on evidence presented, Hearing Officer Toale continued Case No. 19-5612/4047 Suburban Lane to the December 5, 2019 Code Enforcement Hearing.

Case No.
19-5856

(HLB) Christopher Morgan, 5773 Cadell St.

Chapter 42-23, North Port City Code

(Debris consisting of tents, several canopies, pallets, trash, chairs, tables, tarps, fans and miscellaneous items.)

ACTION: Twenty-five (25) days to achieve compliance (no later than November 18, 2019) or \$10/day fine up to a maximum of \$1,000.00 beginning November 19, 2019.

Officer Burton, being duly sworn, provided an overview, testified that the property is in compliance with violations Section 46-148 and Section 59-16(f)(3), Section 59-16(h), 59-16(c), and 59-16(f)(1)

North Port City Code, still in violation of Chapter 42-23, North Port City Code and entered photograph exhibits 1-15 into evidence.

Based on evidence presented Hearing Officer Toale found Case No. 19-5856/5773 Cadell Street to be in violation of Chapter 42-23, North Port City Code, giving the Respondent until November 18, 2019 to comply or assess a fine of \$10.00 per day thereafter with a maximum fine of \$1,000.00.

Case No.
19-5877

(HLB) Harold D. Rowe IV & Mary A. Gayle, 2847 Edgar Ave.

Chapter 42-23, North Port City Code

(Debris on the right side of this property consisting of tires, cooler, household items, buckets and other

miscellaneous items.)

Officer Burton, being duly sworn, provided an overview, testified that the property is still in violation and entered photograph exhibits 1 - 2 into evidence.

Based on evidence presented Hearing Officer Toale found Case No. 19-5877/2847 Edgar Avenue to be in violation of Chapter 42-23, North Port City Code, giving the Respondent until November 18, 2019 to comply or assess a fine of \$10.00 per day thereafter with a maximum fine of \$1,000.00.

Case No.
19-5914

(JAG) Lorraine B. Damato, 6698 Acmar Ct.

Chapter 105.1, Florida Building Code

(No permit on file for the inground pool that on this property)

ACTION: Twenty-five (25) days to achieve compliance (no later than November 18, 2019) or \$50/day fine up to a maximum of \$5,000.00 beginning November 19, 2019.

Officer Guilbault, being duly sworn, provided an overview, testified the property is still in violation and entered photograph exhibit 1 into evidence.

Based on evidence presented Hearing Officer Toale found Case No. 19-5914/6698 Acmar Court to be in violation of Chapter 105.1, Florida Building Code, giving the Respondent until November 18, 2019 to comply or assess a fine of \$50.00 per day thereafter with a maximum fine of \$5,000.00.

Case No.
19-5923

(HLB) Josefina Castaneda, 2555 Ananas Rd.

Sec. 59-16(c)(2), North Port City Code

(Seven (7) vehicles parked on this property, verified four (4) cars in the driveway and three (3) cars in the rear yard.)

ACTION: Twenty-five (25) days to achieve compliance (no later than November 18, 2019) or \$10/day fine up to a maximum of \$1,000.00 beginning November 19, 2019.

Officer Burton, being duly sworn, provided an overview, testified that the property is still in violation, there has been no contact with the property owner and entered photograph exhibit 1 into evidence.

Based on evidence presented Hearing Officer Toale found Case No. 19-5923/2555 Ananas Road to be in violation of Section 59-16(c)(2), North Port City Code, giving the Respondent until November 18, 2019 to comply or assess a fine of \$10.00 per day thereafter with a maximum fine of \$1,000.00.

Case No.
19-6050

(HLB) Hermelindo & Isabel Carranza, 1665 Rada Ln.

Sec. 59-16(c), North Port City Code

(A large black enclosed trailer parked on this vacant lot with no principle structure)

ACTION: Twenty-five (25) days to achieve compliance (no later than November 18, 2019) or \$10/day fine up to a maximum of \$1,000.00 beginning November 19, 2019.

Officer Burton, being duly sworn, provided an overview, testified that there has been no contact with the property owner and the property is still in violation.

Based on evidence presented Hearing Officer Toale found Case No. 19-6050/1665

Rada Lane to be in violation of Section 59-16 (c), North Port City Code, giving the Respondent until November 18, 2019 to comply or assess a fine of \$10.00 per day thereafter with a maximum fine of \$1,000.00.

Case No.
19-6052

(HLB) Hermelindo & Isabel Carranza, 1728 Goshen Rd.

Sec. 59-16(c), North Port City Code

(Abandoned trailer parked on this vacant lot with no principle structure)

ACTION: Twenty-five (25) days to achieve compliance (no later than November 18, 2019) or \$10/day fine up to a maximum of \$1,000.00 beginning November 19, 2019.

Officer Burton, being duly sworn, provided an overview and testified that the property is still in violation.

Based on evidence presented Hearing Officer Toale found Case No. 19-6052/1728 Goshen Road to be in violation of Section 59-16 (c), North Port City Code, giving the Respondent until November 18, 2019 to comply or assess a fine of \$10.00 per day thereafter with a maximum fine of \$1,000.00.

9. 2ND HEARING CASES

Case No.
19-3798

(KMR) Jehohanan Inc., 14928 Tamiami Trl.

Sec. 21-8A(2)(b), Unified Land Development Code

(Access road behind Burger King has pot holes and damage to the pavement that requires maintenance)

ACTION: Fifty (50) days to achieve compliance (no later than October 11, 2019) or a \$25/day fine up to a maximum of \$2,000.00 beginning October 12, 2019.

Officer Raducci, being duly sworn, testified that the property is still in violation.

Based on evidence presented, Hearing Officer Toale found Case No. 19-3798/14928 Tamiami Trail to be in violation of Section 21-8A(2)(b), Unified Land Development Code and imposed the previously assessed fine of \$25.00 per day with a maximum fine of \$2,000.00 beginning October 12, 2019.

Case No.
19-3875

(JAG) Surene Stalter (Life Est.) Paul E. III & Adam A. Bollenbach, Tayna J. Carmoody & Kathyanne Bucci, 2892 Duchess Ln.

Chapter 42-23, North Port City Code

(Debris consisting of tarps connected to the trees all around the rear of this property)

ACTION: Ten (10) days to achieve compliance (no later than October 06, 2019) or a \$10/day fine up to a maximum of \$1,000.00 beginning October 07, 2019.

Officer Guilbault, being duly sworn, testified that the property is still in violation and entered photograph exhibits 1 - 9 into evidence.

Derek Covell, being duly sworn and representing the property owner, noted that on September 27, 2019 he filed a void judgement on this case contending that the Hearing Officer has no legislative authority.

Hearing Office Toale clarified his authority noting that the City addressed his authority at the first hearing and noted that from testimony from the Code Enforcement Officer, the property is still in violation.

Mr. Covell further reiterated that the jurisdiction and the authority to enforce law is not proven and noted his objections according to case law.

Based on evidence presented, Hearing Officer Toale found Case No. 19-3875/2892 Duchess Lane to be in violation of Chapter 42-23, North Port City Code and imposed the previously assessed fine of \$10.00 per day with a maximum fine of \$1,000.00 beginning October 7, 2019.

Case No.
19-4130

(KMR) Elizabeth & David M. Borer, 5625 N. Sumter Blvd.

Chapter 42-24, North Port City Code

(Landscape items consisting of two (2) palms, stones and curbing in the City right-of-way. Landscaping the City right-of-way is prohibited and must be removed.)

ACTION: Fifty (50) days to achieve compliance (no later than October 11, 2019) or a \$10/day fine up to a maximum of \$1,000.00 beginning October 12, 2019.

Officer Toale called public comment.

Martin Lumpert - Code Enforcement Hearing process.

Hearing Officer Raducci, being duly sworn, noted that the property is still in violation.

David Borer, property owner being duly sworn, testified that he was unaware of the first hearing and what was needed to bring the property into compliance.

Ms. Cassell, being duly sworn, noted that, through contact with the property owner, it was requested and agreed that this case be handled as a first hearing.

Officer Raducci provided an overview, testified that he had had contact with the property owner and entered photograph exhibits 1 - 2 into evidence.

Ms. McThenia, being duly sworn, testified the original permit was issued for a 10 ft. cement slab on the left side of the property and an additional permit was submitted for an additional slab on the rear left side of the property, the permits were for a non-structural slab permit and did not include the curbing, and ultimately the permits were approved for the slabs.

Mr. Platt, being duly sworn, confirmed the testimony of Ms. McThenia and provided an overview of the purpose of a right-of-way use permit noting that there is an Ordinance prohibiting certain plantings and other materials in the right-of-way.

Mr. Borer submitted documents and photographs into evidence regarding his permit applications and the City's inspections and agreed to meet with City staff to determine what is needed and permitted to bring the property into compliance.

Based on the evidence, Hearing Officer Toale continued Case No. 4130/5625 N. Sumter Boulevard to the December 5, 2019 Code Enforcement Hearing.

Case No.
19-4445

(HLB) Judith Simpson, 4074 Mokena Ave.

Chapter 42-23, North Port City Code

(Debris consisting of wood fencing on the right side of this property)

ACTION: Twenty-five (25) days to achieve compliance (no later than October 21, 2019) or a \$10/day fine up to a maximum of \$1,000.00 beginning October 22, 2019.

Officer Burton, being duly sworn, testified that the property is still in violation and entered photograph exhibit 1 into evidence..

Based on evidence presented, Hearing Officer Toale found Case No. 19-4445/4074 Mokena Avenue to be in violation of Chapter 42-23, North Port City Code and imposed the previously assessed fine of \$10.00 per day with a maximum fine of \$1,000.00 beginning October 22, 2019.

Case No.
19-4894

(HLB) Jeffrey A. Danke, 3803 Pinstar Ter.

Chapter 42-23, North Port City Code

(Debris consisting of disabled lawn mowers in the front and miscellaneous debris behind the property in the drainage easement.)

ACTION: Twenty-five (25) days to achieve compliance (no later than October 21, 2019) or a \$10/day fine up to a maximum of \$1,000.00 beginning October 22, 2019.

Officer Burton, being duly sworn, testified he has had no contact with the property owner, the property is still in violation and entered photograph exhibits 1 - 9 into evidence.

Based on evidence presented, Hearing Officer Toale found Case No. 19-4894/3803 Pinstar Terrace to be in violation of Chapter 42-23, North Port City Code and imposed the previously assessed fine of \$10.00 per day with a maximum fine of \$1,000.00 beginning October 22, 2019.

Case No.
19-5386

(JAG) Jeremy F. Mullen, 2181 Sultan Ave.

Chapter 42-23, North Port City Code

(Large amount of debris on this vacant lot consisting of a tent, tarps, pieces of wood, chairs, out house, solar shower, glass, bags of mulch, slabs of granite, light fixtures, propane tanks, and several other objects.)

ACTION: Twenty-five (25) days to achieve compliance (no later than October 21, 2019) or a \$10/day fine up to a maximum of \$1,000.00 beginning October 22, 2019.

Officer Guilbault, being duly sworn, testified the property is still in violation and entered photograph exhibits 1 - 2 into evidence.

Jeremy Mullen, property owner, being duly sworn, testified that the items in question are usable household items used during camping, reviewed City of North Port Section 46-148 regarding camping regulations, noted that as the property owner he is permitted to camp on his property, and provided photographs depicting the state of the property at this time.

Officer Raducci, being duly sworn, addressed questions and provided clarification regarding photographs submitted into evidence noting that the property owner at one point agreed to the inspector coming on the property to assess if the property was in compliance.

Hearing Officer Toale noted that he will be basing his ruling on photographs submitted by both parties, testimony of both parties, and the debris violation when the property is

vacant.

Based on evidence presented, Hearing Officer Toale found Case No. 19-5386/2181 Sultan Avenue to be in violation of Chapter 42-23, North Port City Code and imposed the previously assessed fine of \$10.00 per day with a maximum fine of \$1,000.00 beginning October 22, 2019.

10. GENERAL BUSINESS

There was no general business to discuss.

11. PUBLIC COMMENT

There was no public comment.

12. ADJOURNMENT

Hearing Officer Toale adjourned the meeting at 11:34 a.m.

James E. Toale, Hearing Officer

Minutes were approved at the Code Enforcement Hearing this ____ day of _____, 2019.