

**CODE ENFORCEMENT BOARD MINUTES**  
**Wednesday, January 10, 2024 – 1:30 p.m.**  
**City Hall, Council Chambers, Vero Beach, Florida**

**PRESENT:** Chairman, Eric Price; Vice Chairman, Stephen McDonald; Members: Christopher Bryant, Frank Pizzichillo, Linda Hillman, Ken Daige and Eva Lauer (arrived at 1:35 p.m.) **Also Present:** Code Enforcement Officer, Melody Sanderson; Code Enforcement Officer, Jamila McGee; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

\*Please note that Ms. Lauer did not vote as she entered the meeting after the meeting was called to order.

**1. CALL TO ORDER**

Today's meeting was called to order at 1:31 p.m.

**2. PLEDGE OF ALLEGIENCE**

The Chairman led the Board members and the audience in the Pledge of Allegiance to the flag.

The Deputy City Clerk swore in staff and the audience present for today's meeting en masse.

**3. PRELIMINARY MATTERS**

**A) Adoption of Minutes**

**1. December 13, 2024**

**Mr. Price made a motion to adopt the minutes of the December 13, 2024 Code Enforcement Board meeting. Mr. McDonald seconded the motion and it passed unanimously.**

**B) Agenda Additions, Deletions and Adoption**

Ms. Melody Sanderson, Code Enforcement Officer, pulled Case #23-CE-13408 – Marilyn Richardson from today's agenda. She reported that she came into compliance yesterday.

**Mr. Price made a motion to adopt the agenda as amended. Mr. McDonald seconded the motion and it passed unanimously.**

**4. UNLICENSED CONTRACTORS/CITATIONS**

None

**5. EVIDENTIARY HEARINGS**

**A) Citation Appeals**

None

**B) Non-Compliance / Compliance Reports**

**1. Request for Board Order**

**a. CASE #23-CE-13347 / 3426M**

**VIOLATOR:** Roberto and Diana Salerno

**VIOLATION** – Pergola requires City of Vero Beach Planning and Zoning approval and a building permit from the Indian River County Building Department – Code Section 60.21 (b)(1)

**VIOLATION ADDRESS:** 901 Tropic Drive, Vero Beach, Florida 32963

**(Failure to comply; Failure to pay \$50.00 civil penalty)**

Ms. Melody Sanderson, Code Enforcement Officer, who has been sworn in, reported that no request for a hearing on the citation was received so a hearing to contest the citation has been waived and the violation is deemed admitted by the violator. The citation and Stop Work Order was issued on August 8, 2023, with service provided by property posting. She reported that the property owners do not live locally, however that is the only address listed on the Property Appraiser's site. The compliance date was August 21, 2023, with a civil penalty of \$50.00. The civil penalty has not been paid. She reported that she spoke with the property owner on August 10, 2023, and was told that the pergola was on the original house plans. She was then asked to provide her with the permit. She reported that they received City zoning approval on September 13, 2023, and a permit was applied for on October 10, 2023. She reported that the permit was still under review pending further information from the applicant. She stated that she spoke with the property owner on October 30, 2023, and was told that the plans were completed and given to their contractor. She said that she has not had any contact with the property owner since. She asked that the Board finds that there is a violation, that the violation continues, and that the Board issues a Board order to correct the violation within 60-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence the first day after the original compliance date of August 21, 2023, until corrected and to pay the initial civil penalty of \$50.00.

Mr. Price referred to the photographs (Exhibit A-1 on file in the City Clerk's office). He asked if they were photographs of this property.

Ms. Sanderson answered yes.

Mr. Daige asked is the property a rental.

Ms. Sanderson thought the property owner's intended to use it as their part time residence. She said the property is not currently occupied.

**Mr. Price moved that the Board finds that there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 60-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence the first day after the original compliance date of August 21, 2023, until corrected and to pay the initial civil penalty of \$50.00. Mr. Daige seconded the motion and it passed unanimously.**

**b. CASE #23-CE-13408 / 1442M**

**VIOLATOR:** Marilyn Richardson (TR)

**VIOLATION:** Standard Housing Code violation, roofs require to be structurally sound and maintained in a safe manner and have no defects – Code Sections 22-181; 305.3.1; 305.3.2  
**VIOLATION ADDRESS:** 538 Live Oak Road, Vero Beach, Florida 32963  
**(Failure to pay \$50.00 civil penalty)**

This item was pulled from today's agenda.

- c. **CASE #23-CE-13466 / 3478M**  
**VIOLATOR:** Michael Boyd (LE) and Belinda R. Boyd  
**VIOLATION:** Two (2) mini-split air conditioner units installed without a permit from the Indian River County Building Department – Code Section – 60.21 (b)(1)  
**VIOLATION ADDRESS:** 906 16<sup>th</sup> Place, Vero Beach, Florida 32960  
**(Failure to comply; Failure to pay \$50.00 civil penalty)**

Ms. Sanderson reported that no request for a hearing on the citation was received so a hearing to contest the citation has been waived and the violation is deemed admitted by the violator. The citation was issued on October 17, 2023, with service of the citation provided by certified mail. The compliance date was October 31, 2023. The civil penalty of \$50.00 has not been paid. She reported that she spoke with the property owner on October 20, 2023, and he asked for more time to come into compliance. She spoke with the property owner again on November 15, 2023, and he asked for more time because heat calculations were required. She spoke with the property owner again on Friday, January 5, 2023, and he thought that he would get the heat calculations by Monday of this week. The permit has been applied for and is under review.

Mr. Michael Boyd, property owner, who has been sworn in, stated that the confusion was that the air conditioner contractor went in for two (2) permits, but only one (1) permit was needed as it is a duplex.

Mr. Bryant suggested that the Board allows 30-days to come into compliance.

**Mr. Price moved that the Board finds that there is a violation, that the violation continues, that the Board issues a Board order to correct the violation within 30-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence the first day after the original compliance date of October 31, 2023, until corrected and to pay the initial civil penalty of \$50.00. Mr. Daige seconded the motion and it passed unanimously.**

- d. **CASE #23-CE-13170 / 0898J**  
**VIOLATOR:** Chennell, Inc. / Karen Chennell, Agent  
**VIOLATION:** Multifamily residential use of the property in CAV-2 Cultural Arts Village zoned district – Code Sections 60.21 (b)(2); 60.24 (4)  
**VIOLATION ADDRESS:** 1865 18<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Request from the Code Enforcement Officer for the Board to find the property in compliance on December 12, 2023, to cease**

**the continuing civil penalties as of December 11, 2023 (day prior to finding compliance) and to pay the accrued continued penalties and costs)**

Ms. Jamila McGee, Code Enforcement Officer, who has been sworn in, reported that the property came into compliance on December 12, 2023. She asked that the Board finds the property in compliance, that they cease the continuing penalties and issue a Board order to pay the accrued civil penalties and costs.

Mr. Pizzichillo asked how much are the civil penalties.

Ms. Sherri Philo, Deputy City Clerk, reported that a penalty of \$500.00 per day commenced on May 17, 2023. The estimated accrued penalties was \$104,500.00, plus costs.

Mr. Sean Hogan, who has been sworn in, stated that he is the husband of the property owner, Mrs. Karen Chennell. He said the Board allowed them 120-days to come into compliance. He stated that the property was rented as a duplex and after working with Mr. Jason Jeffries, Planning Director, he went to the County to convert the property into a legal duplex. However, the County wanted him to have a firewall, which was not feasible. Therefore, Mr. Jeffries told him to remove the 220 in the other unit. He said it took six (6) weeks for a permit to be approved. He said the tenant was out within the 120-days to comply so technically it was not being used as a duplex. It was a single family.

Mr. McDonald asked when was the 220 removed.

Mr. Hogan said that he called the Code Enforcement Officer on December 12, 2023, so it was probably a week before that.

Mr. Price explained that all the Board could do was cease the continuing penalties.

Mr. Hogan said the issue was having a second tenant, but the tenant moved out on August 19<sup>th</sup>.

Mr. Price said then his argument is that it was no longer being used as a duplex prior to the compliance date.

Mr. Hogan said that is correct and the Code Officer witnessed that.

Mr. McDonald said then his argument is that he was in compliance well within the date allowed.

Mr. Hogan answered yes.

Ms. McGee reported that the property was not in compliance because he did not have a building permit to remove the 220.

Mr. McDonald asked Ms. McGee if Mr. Hogan was communicating with her.

Ms. McGee answered yes.

Mr. McDonald asked when was the permit to remove the 220 applied for.

Mr. Hogan explained that it was the same permit. They just altered it. He said that the Planning Department did not give him approval until October 13, 2023, so that left him eight (8) days to get a permit. He said they were setting him up for failure. He said that he called them every week and emailed the Code Enforcement Officer multiple times and received nothing in return.

Mr. Price asked Ms. McGee if she had any contact with Mr. Hogan in October or November.

Ms. McGee answered yes. She said that she explained to Mr. Hogan that he needed to obtain a building permit.

Mr. McDonald asked what was the date.

Ms. McGee answered October 19, 2023.

Mr. Hogan said that he sent her an email on October 13, 2023, and it took her a week to get back with him.

Mr. Price asked Mr. Turner if the Board was allowed to change the compliance date. He asked is compliance based on when it was reported to the Code Enforcement Officer.

Mr. John Turner, City Attorney, explained that was something the Board needed to determine based on the recommendation of the Code Enforcement Officer.

Mr. Daige asked Ms. McGee for her recommendation.

Ms. McGee said the citation was issued on May 3, 2023. She said on May 25, 2023, an appeal was submitted and nothing was submitted for permitting prior to that or after that.

Mr. Daige said what he is hearing is that the fines that were accumulated are what they are and if Mr. Hogan wants to appeal it, he would have to go through that process.

Ms. McGee said that is correct.

Mr. McDonald asked Mr. Hogan how long did it take him to get the permit from the time that he applied for it.

Mr. Hogan said the original permit was for the firewall.

Mr. McDonald asked how long did it take to amend the permit.

Mr. Hogan said an hour. He said the hardest part was finding a contractor.

Ms. Lauer said the original violation on the citation states that it was for multi-family residential use of the property. She asked if Mr. Hogan evicted one of the tenants and there was only one tenant on the property, wouldn't that be the date of compliance.

Mr. Price explained that they needed to either convert it into a duplex or return it back into a single family home.

Mr. McDonald felt that Mr. Hogan should take this to the City Council.

Mr. Bryant said the Board would have to find the property in compliance and cease the continuing penalties and then Mr. Hogan could go before the City Council to try to get the penalties reduced.

Mr. McDonald felt that Mr. Hogan had a good argument to take to the City Council. He explained to Mr. Hogan that he should bring all the correspondence that he has and present it to the City Council in an orderly fashion.

Mr. Hogan said that he thought once the tenant was out that it was no longer a duplex.

**Mr. Price moved that the Board finds the property in compliance as of December 11, 2023, to cease the continuing penalties as of December 11, 2023 and to pay the accrued continued penalties and costs. Mr. Daige seconded the motion and it passed unanimously.**

**6. OLD BUSINESS**

None

**7. NEW BUSINESS**

None

**8. ADMINISTRATIVE MATTERS**

None

**9. CLERK'S MATTERS**

None

**10. ATTORNEY'S MATTERS**

None

**11. CHAIRMAN'S MATTERS**

None

**12. MEMBER'S MATTERS**

None

**13. ADJOURNMENT**

Today's meeting adjourned at 2:01 p.m.

/sp