

CODE ENFORCEMENT BOARD MINUTES
Wednesday, March 8, 2023 – 1:30 p.m.
Community Center, 2266 14th Avenue, Vero Beach, Florida

PRESENT: Chairman, Eric Price; Vice Chairman, Stephen McDonald; Members: Christopher Bryant; Frank Pizzichillo, Linda Hillman and Eva Lauer **Also Present:** Code Enforcement Officer, Melody Sanderson; Code Enforcement Officer, Jamila McGee; Indian River County Contractor Licensing Investigator, David Checchi; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

1. CALL TO ORDER

Today's meeting was called to order at 1:30 p.m.

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.

2. PRELIMINARY MATTERS

A) Adoption of Minutes

1. January 11, 2023

Mr. Price made a motion to adopt the minutes of the January 11, 2023 Code Enforcement Board meeting. Mrs. Hillman seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Ms. Sherri Philo, Deputy City Clerk, pulled Case #22-CE-12632 – Thomas Dale and Darlene Hamilton from today's agenda. She reported that the Chairman approved a request to postpone the hearing.

Mr. David Checchi, Indian River County Contracting Licensing Inspector, who has been sworn in, pulled Case #22-CE-12940 – Todd E. Harding and Case #22-CE-12939 – James Dean Squires a/k/a Home 360 Florida LLC from today's agenda. He reported that they paid their citations.

Ms. Melody Sanderson, Code Enforcement Officer, who has been sworn in, pulled Case #22-CE-12869 - P. Scott McCracken from today's agenda. She reported that he paid the civil penalty yesterday. She then pulled Case #22-CE-12870 – Theresa C. Brown from today's agenda. She reported that they just obtained their Code Compliance and are in the process of obtaining their building permit. She then pulled Case #22-CE-12905 – Vladimyr Thelisma from today's agenda. She reported that they were in the process of obtaining their building permit.

Ms. Jamila McGee, Code Enforcement Officer, who has been sworn in, pulled Case 22-CE-12948 – Raul Maurice from today's agenda. She reported that the civil penalty has been paid. She then pulled Case #22-CE-12932 – Michael Schlitt from today's agenda. She reported that the property was brought into compliance after receiving the Notice of Hearing. She then pulled Case #23-CE-13027 – Karin Davis from today's agenda. She reported that the civil penalty was paid after receiving the Notice of Hearing.

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

3. UNLICENSED CONTRACTORS/CITATIONS

None

4. EVIDENTIARY HEARINGS

*Please note that all exhibits entered into the record for today's hearings are on file in the City Clerk's office.

A) Citation Appeals

1. **CASE #22-CE-12940 /0939**
VIOLATOR: Todd E. Harding
VIOLATION: Unlicensed contracting and acts/omissions – Code Sections 400.01(1)/22-86(a); 400.07/22-89
VIOLATION ADDRESS: 1878 33rd Avenue, Vero Beach, Florida 32960
(Case continued from the January 11, 2023 meeting)

This item was pulled from today's agenda.

2. **CASE #22-CE-12939 / 0940**
VIOLATOR: James Dean Squires
VIOLATION: Licensed contractor or owner builder hiring unlicensed contractor and acts/omissions – Code Sections 400.01(5)/22-86(f); 400.07/22-89
VIOLATION ADDRESS: 1878 33rd Avenue, Vero Beach, Florida 32960
(Case continued from the January 11, 2023 meeting)

This item was pulled from today's agenda.

3. **CASE #22-CE-12985 / 0776J**
VIOLATOR: Galina Veresciak Roofener
VIOLATION: Encroachments, stones on right-of-way – Code Section 71.03 (a)
VIOLATION ADDRESS: 635 Iris Lane, Vero Beach, Florida 32963

Ms. McGee reported that the property is in compliance and the civil penalty has not been paid.

Mr. Brian Terry, who has been sworn in, thanked the Board for taking this matter up today in this case against his wife. He said that he submitted paperwork to the Board, which is in front of them (Affidavit of Facts – Notice of Possible Official Misconduct, Exhibit A, Exhibit B, and Exhibit C).

Mr. John Turner, City Attorney, asked Mr. Terry if he was the owner of the property. Mr. Terry answered yes, he and his wife are the owners.

Mr. Terry said that he would like to call Ms. McGee in order to ask her questions before the Board.

Mr. Turner questioned is this an appeal on a citation. Mr. Price said that is correct.

Mr. Turner asked if the citation was for encroachment.

Mr. Terry said that she (Ms. McGee) claims that they had “stones,” but they had “a” stone, which was used as a tool for lining the curb as described in his affidavit that he submitted.

Mr. Price asked Mr. Terry to first describe the pictures that he submitted.

Mr. Terry reported that page one (1) of Exhibit A) is a picture of the actual stone in question. He said that Ms. McGee said that there were “stones,” which is plural.

Mr. Price said that he did not think that was relevant.

Mr. Terry said the relevance was that this particular stone on that particular day was being used to lay a straight line so that he could do what the permit (Exhibit B) describes for the new curb. He said page two (2) of Exhibit A) shows the form and part of the curb being installed. He said that he chose to do the work himself with a helper and they used the rock as a straight line. He said that they are present today to identify some issues. He said that Ms. McGee had false claims in her affidavit that she submitted to the Board (Exhibit C). He said the affidavit states that they did not file for today’s hearing, which was false or maybe she was mistaken.

Mr. Price said that he didn’t think that was relevant.

Mr. Terry said that he was just trying to show that she makes mistakes.

Mr. Price said we all make mistakes and asked Mr. Terry to stick to the case.

Mr. Terry then submitted photographs into evidence to show the Board the work that was done.

Mr. Price said to understand this case, they were going to install a curb and they used the rock to draw a straight line.

Mr. Terry said they had a string line attached to the rock and to a stake at the other end.

Mr. Price questioned so you were cited for having a stone in the right-of-way. Mr. Terry said that was correct.

Mr. Bryant asked did you put the stone there. Mr. Terry said that he put the stone there to be used for a straight line.

Mr. Bryant said the City’s right-of-way permit states that they are to stake and grade. He explained that the City wanted him to put a stake in the right-of-way instead of a boulder or rock so that a driver doesn’t hit it and damage their vehicle.

Mr. Terry noted that Exhibit A) shows that they had a cone there for safety. He said some of the photographs that he submitted shows that he had cones in front of the project for safety. He said there were cones on each side.

Mr. Price said the cones were not there when he was cited. Mr. Terry said there was a cone in place.

Mr. Price stated that page one (1) of Exhibit A) does not show a cone.

Mr. Bryant said the initial citation was for the stone in the right-of-way. Mr. Terry said it is in the right-of-way.

Mr. Bryant said that is the problem. He said they were supposed to have a stake there per the City of Vero Beach right-of-way permit so that there would not be a safety concern.

Mrs. Galina Roofener, who has been sworn in, said it was a long project and they tried to place a stick there a few times, but it was difficult because the road was damaged and after AT&T put the cable through the ground was soft and the sticks would not hold so they had to use the stone to hold the line.

Mr. Price asked Ms. McGee if she cited them for stones in the right-of-way. Ms. McGee answered yes.

Mr. Bryant questioned one (1) boulder. Ms. McGee said that is correct.

Mr. Price asked at the time was there a cone. Ms. McGee answered no.

Mr. Price asked what is the fine. Ms. McGee answered \$50.00.

Mr. Price asked if there were any warnings issued. Ms. McGee reported that there were two (2) previous warnings.

Mr. Daige questioned there were two (2) previous warnings to remove the stone and there would have not been a fine. Ms. McGee said that is correct.

Mr. Daige asked do you have copies of the warning citations. Ms. McGee answered no. She said they were on other citations.

Mr. Daige said prior to the actual \$50.00 fine, they were given two (2) warnings to remove the stone.

Ms. McGee said that is correct.

Mr. Daige asked if she described why the stone should not be there in the warning citations. He asked if she received a complaint. Ms. McGee said that she did receive a complaint.

Mr. Daige questioned so she was following up on a complaint, she saw the stone there, and there was not a cone. Ms. McGee said that is correct.

Mr. Price said it is a shame because he (Mr. Terry) was actually repairing the road.

Mr. Bryant said that they were putting in a curb and were asked to remove the boulder twice.

Mr. Daige said that is what he picked up on, that there were two (2) previous warnings.

Mr. Terry said that is incorrect. He said they were cited because they had stones where the curb is now located. He reported that Ms. McGee gave them a warning to remove them because they were obstructing the right-of-way and they removed them. On July 11th Ms. McGee cleared them acknowledging that they had a permit in place. Now they are only talking about "a" stone, not "stones." He understood that a stone was not a stake, but it is what he had at the time to run the string line.

Mr. Price said even if they were separate issues, they knew when they placed that one (1) stone there that they were not allowed to have stones in the right-of-way.

Mr. Pizzichillo asked Mr. Terry if he received two (2) warnings from the City. Mr. Terry answered for stones and for a permit.

Mr. Pizzichillo said so you are saying “stones” not “a” stone. He asked is that what you are hanging your argument on. Mr. Terry answered no. He said they had a permit to do the work in that area and that is what he was doing. He used what he had available to run the string line. He said it is a temporary thing. It is not there permanently. He said if they want to be technical, now there is even more of an obstruction because now there is a curb there.

Mr. Price said there was no permit for the stone. Mr. Terry said yes, there was.

Mr. Price said there was a permit to install the curb. Mr. Terry said that he was issued a permit to run a string line in that area to put in a curb.

Mr. Bryant said to stake and grade, not stone and grade. Mr. Terry said stake and grade was for the actual form for the curb itself. He said a stake by definition could be almost any object that is stationary to allow you to run a string line.

Mr. Bryant said that he could have failed inspection. Mr. Terry said that was not part of the inspection. Part of the inspection was the form.

Mr. Bryant read from the permit in part, *“Inspections are mandatory. Stake and Grade set; before asphalt paving; before placing concrete; before backfilling; before placing sod; after project completion (final).”*

Mr. Terry said stake and grade is relevant to the actual grade of the ground.

Mr. Price said they want to know where they are putting in the curb. Mr. Terry responded, exactly.

Mr. Pizzichillo asked are they talking about a \$50.00 fine. Mr. Price answered yes.

Mr. Terry said that he was not there about the money.

Mr. Price said what gets him was that they already knew from previous warnings not to put stones in the right-of-way.

Mr. Terry said that he had permission by the City to work in that area. Although it refers to stake and grade, there are many methodologies to stake and grade.

Mr. Price said that it was not up to the homeowner to decide how it is interpreted. It is up to the City.

Mr. Pizzichillo asked that they move the question before the Board for a vote.

Mr. Price moved that the Board finds that there was a violation, that the violation has been corrected and that the Board issues a Board order to pay the initial civil penalty of \$50.00. Mr. McDonald seconded the motion and it passed unanimously.

B) Non-Compliance / Compliance Reports

1. Request for Board Order

a. CASE #22-CE-12632 / 0598J

VIOLATOR: Thomas Dale and Darlene Hamilton

VIOLATION: Fence installed without Code Compliance Certification from the City or a building permit from the Indian River County Building Department – Code Sections 60.21 (b)(1); 22-181; 22-106 (a)

VIOLATION ADDRESS: 1688 Highland Avenue, Vero Beach, Florida 32960

(Failure to comply)

This item was pulled from today's agenda.

b. CASE #22-CE-12824 / 0712J

VIOLATOR: Margaret C. Liner (Trs) (owner) / William S. Liner (tenant)

VIOLATION: Inoperable vehicle (s) – Code Section 38-32 (a)(1)

VIOLATION ADDRESS: 1636 40th Avenue, Vero Beach, Florida 32960

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

Ms. McGee reported that the civil penalty has not been paid and the property was not in compliance.

Mr. Pizzichillo asked what exactly was not in compliance.

Ms. McGee reported that there were two (2) vans on the property that were not registered and one (1) of them was in disrepair. She asked that the Board issues a Board order allowing 30-days to correct the violation and to pay the initial civil penalty.

The Deputy City Clerk swore in Mr. Scott Liner.

Mr. Scott Liner, who has been sworn in, said the vehicles were registered, licensed, and insured. He said both vehicles do run, but one (1) of them is up on jacks. He said that he must have overlooked paying the fine and was present today to do whatever needed to be done.

Mr. Pizzichillo asked is the vehicle still up on jacks. Mr. Liner answered yes.

Mr. Price asked are they registered. Mr. Liner answered yes.

Mr. Pizzichillo asked Mr. Turner if there was anything in the Ordinance that prohibits a car from being on jacks on private property.

Mr. Turner asked where is the vehicle located. Mr. Liner said it was in the driveway.

Mr. Turner said that he would need to look at the Code.

Mr. Daige asked are there current plates and insurance on the vehicles. Mr. Liner said they are both registered, one (1) is licensed and insured and the other one does not have insurance because it was currently not in use and it does not have a tag.

Mr. Daige said if his memory is correct, it is in the City's Ordinance that any vehicle on someone's property has to have a current tag, registration and insurance. Therefore, currently there is one (1) vehicle that is not in compliance.

Mr. Liner said repairing the vehicle could be a costly project.

Mr. Bryant asked if the vehicle could be moved within 60-days. Mr. Liner answered yes.

Mr. Price explained that the Board was trying to give Mr. Liner a timeframe to comply, because if he does not comply within that timeframe he would be charged \$50.00 per day.

Mr. Daige said that Mr. Liner wants to be in compliance and he would be okay with allowing him 90-days to comply.

Mr. Turner said the vehicle that is up on jacks needed to be moved because it was in violation.

Mrs. Hillman said it was her understanding that according to the Code, vehicles could not be worked on in the front of a home.

Mr. Price asked what Mr. Liner needed to do to come into compliance. Ms. McGee said the vehicle would need to be taken off the jacks and have a tag.

Mr. Pizzichillo said that he did not mind helping Mr. Liner, but he did not agree with allowing 90-days to comply. He felt they should shorten the time frame.

Mr. Daige said that he was okay with allowing 90-days to comply. He said the Board has done this before and he didn't see any reason why the Board couldn't help him.

Mr. McDonald agreed.

At this time, Mr. Liner paid the \$50.00 civil penalty.

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 90-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of November 2, 2022, until corrected and to pay the initial civil penalty of \$50.00. Mr. Daige seconded the motion and it passed 5-2 with Ms. Lauer voting yes, Mr. Daige yes, Mr. Pizzichillo no, Mr. Bryant yes, Mrs. Hillman no, Mr. McDonald yes, and Mr. Price yes.

- c. **CASE #22-CE-12761 / 0778J**
VIOLATOR: Blake Alexis Green
VIOLATION: Gravel driveway extension requires approval from the City of Vero Beach Planning Department – Code Section 60.21 (b)(1)
VIOLATION ADDRESS: 1526 31st Avenue, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

Ms. McGee reported that the civil penalty has not been paid and the Code Compliance application has been submitted for approval. She recommended that the Board allows 90-days to come into compliance.

Mr. McDonald asked do they have the permit or did they just apply for the permit. Ms. McGee reported that they applied for it and it is currently under review.

Mr. Pizzichillo asked when was the application made. Ms. McGee answered on September 8, 2022.

Mr. Pizzichillo asked when was the original citation issued. Ms. McGee answered on January 3, 2023.

Mr. Price asked what was the compliance date. Ms. McGee answered on January 17, 2023.

Ms. Nancy Carpelis (spelling may be incorrect), who has been sworn in, said that she was asked by Ms. Green to speak on her behalf.

Mr. Turner asked are you an attorney. Ms. Carpelis answered no.

Mr. Turner asked are you just a friend. Ms. Carpelis answered yes.

Mr. Turner asked is Ms. Green able to come to the meeting. Ms. Carpelis said that she was present, but asked that she speak on her behalf.

Mr. Turner said that they need (Ms. Green) to address the Board. He said that if she needs to assist Ms. Green in some way that was fine, but they would like Ms. Green to testify under oath regarding the facts.

Ms. Carpelis said Ms. Green is ill, but she is present.

Mr. Turner felt that Ms. Green should try to explain or answer any questions that the Board members might have. He said that she (Ms. Carpelis) could supplement if she needed to.

Ms. Blake Alexis Green, who has been sworn in, said that she sometimes does not have the chance to go to her mailbox to get her mail because it is a challenge. She said unless someone comes to her door and tells her that she needs to do something she would not know. She said that she is correcting the violation now as best as she can.

Mr. Bryant asked Ms. McGee if they were being fair if they allowed 90-days to comply and that she is to pay the \$50.00 penalty. Ms. McGee nodded yes.

Mr. Bryant questioned if 90-days was enough time to correct or if they should allow 120-days.

Mr. Daige was in agreement with allowing 120-days to comply.

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 120-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of January 17, 2023 until corrected and to pay the initial civil penalty of \$50.00. Mr. Daige seconded the motion and it passed unanimously.

- d. **CASE #22-CE-12838 / 0717J**
VIOLATOR: Diana L. Reid
VIOLATION: Gravel driveway extension requires approval from the Vero Beach Planning Department – Code Section 60.21 (b)(1)

VIOLATION ADDRESS: 1526 34th Avenue, Vero Beach, Florida
32960

(Failure to comply)

Ms. McGee reported that the civil penalty was paid and the property is not in compliance. She recommended that the Board allows additional time to correct.

Mr. Bryant suggested allowing 45-days to correct. Ms. McGee agreed.

Ms. Diana Escolini (spelling may be incorrect) approached the Board stating that she was formally Diana Reid, but she went back to her maiden name.

Mr. Price asked are you the homeowner. Ms. Escolini answered yes.

The Deputy City Clerk swore in Ms. Diana Escolini.

Ms. Diana Escolini, who has been sworn in, stated that she didn't know the driveway was going in. She said that it was done while she was out of town. She said that she has to get an eviction notice to remove him from the household and she is asking the Board for more time because the cost of sod is astronomical and she does not have the money.

Mr. Price asked was it a tenant that made the change. Ms. Escolini said it was her ex-husband.

Mr. Daige asked Ms. Escolini how much time she felt that she would need to come into compliance.

Ms. Escolini said it is a big driveway and she does not know how much it was going to cost for the sod. She asked if she could receive the same amount of time that was given to the previous person.

Mr. Daige asked Ms. McGee if she felt 120-days would be enough time. Ms. McGee said that she was okay with allowing 120-days.

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 120-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of November 9, 2022, until corrected and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

- e. **CASE #22-CE-12948 / 0804J**
VIOLATOR: Raul Maurice
VIOLATION: Private wastewater disposal system violation – Code Section 78-83 (a)(4)
VIOLATION ADDRESS: 4207 16th Street, Vero Beach, Florida
32960
(Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- f. **CASE #22-CE-12869 / 3215M**
VIOLATOR: P. Scott McCracken
VIOLATION: Maintenance of historic sites – Code Section 76.41 (b)

VIOLATION ADDRESS: 2716 Laurel Drive, Vero Beach, Florida
32960
(Failure to pay \$100.00 civil penalty)

This item was pulled from today's agenda.

- g. CASE #22-CE-12870 / 3216M**
VIOLATOR: Theresa C. Brown
VIOLATION: Fence and pergola installed without City approval or a building permit – Code Section 60.21 (b)(1)
VIOLATION ADDRESS: 2605 Tropical Avenue, Vero Beach, Florida
(Failure to comply)

This item was pulled from today's agenda.

- h. CASE #22-CE-12905 / 3233M**
VIOLATOR: Vladimyr Thelisma
VIOLATION: Carport enclosed without approval from the City or building permits from the Indian River County Building Department – Code Section – 60.21 (b)(1)
VIOLATION ADDRESS: 2065 39th Avenue, Vero Beach, Florida
32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- i. CASE #22-CE-12926 / 0803J**
VIOLATOR: Mitchell Dean Martinez and Patti Martinez
VIOLATION: Private wastewater disposal system violation – Code Section 78-83 (a)(4)
VIOLATION ADDRESS: 3017 15th Street, Vero Beach, Florida
32960
(Failure to pay \$50.00)

Ms. McGee reported that the property is in compliance and the \$50.00 civil penalty has not been paid.

The Deputy City Clerk swore in Mr. Mitchell Martinez.

Mr. Mitchell Martinez, who has been sworn in, said that he and his wife have lived in this home since 1979. He said other than occasionally having their septic tank pumped out it works fine. He said they had Reliable Septic come out and they gave them a cost of about \$14,000.

Mr. Pizzichillo said that he did not know if they were asking them to put in a new system.

Mr. Bryant said they are in compliance and they just need to pay the fine.

At this time, Mr. Martinez paid the \$50.00 civil penalty.

Mr. Price moved that the Board finds that there was a violation, the violation has been corrected and that the Board issues a Board order to pay the initial civil penalty of \$50.00. Mr. McDonald seconded the motion and it passed unanimously.

- j. CASE #22-CE-12932 / 0791J**
VIOLATOR: Michael Schlitt
VIOLATION: Private wastewater disposal system violation – Code Section – 78-83 (a)(4)
VIOLATION ADDRESS: 4205 14th Place, Vero Beach, Florida 32960
(Failure to comply)

This item was pulled from today's agenda.

- k. CASE #22-CE-12977 / 3262M**
VIOLATOR: Sunny Investors LLC / Alexis Star Carroll, Agent
VIOLATION: Graywater discharge from washing machine must be properly drained – Code Section 60.21 (b)(1)
VIOLATION ADDRESS: 2725 Atlantic Boulevard, Vero Beach, Florida 32960
(Failure to comply)

Ms. Sanderson reported that upon receipt of the citation Mr. Bill Carroll (father of Alexis Star Carroll, property owner) told her that he would work on removing the plumbing. She advised him that the Building Department requires a permit to remove the electric. She said that Mr. Carroll has made valiant efforts to try to get an electrician to do the work and to get the permitting and that the civil penalty has been paid. 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 on the original compliance date of January 6, 2023, until corrected and that the civil penalty has been paid.

Mr. Bill Carroll, who has been sworn in, said that he is a Real Estate Broker and he has been going back and forth with people trying to get them to come out to do the work. He said it is a small job, which makes it more difficult to get someone out there to do the work.

Mr. Bryant asked if he was okay with the Code Officer's suggestion of 60-days to comply. Mr. Carroll answered yes.

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 on the original compliance date of January 6, 2023, until corrected and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

- l. CASE #23-CE-13027 / 0808J**
VIOLATOR: Karin E. Davis
VIOLATION: Inoperable vehicles – Code Section 38-32 (a)(1)
VIOLATION ADDRESS: 1410 33rd Avenue, Vero Beach, Florida 32960
(Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

m. CASE #22-CE-12983 / 3265M

VIOLATOR: Michael A. and Kristin L. Roberts

VIOLATION: Shed and gravel parking area added without City approval; shed also requires a permit from the Indian River County Building Department; fence sign to be replaced by one that is four (4) square feet – Code Sections 60.21 (b)(1); 38.09 (j)

VIOLATION ADDRESS: 649 East Causeway Boulevard, Vero Beach, Florida 32963

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

Ms. Sanderson reported that service of the citation was provided by certified mail. 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 90-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of January 6, 2023, until corrected and to pay the initial civil penalty of \$50.00.

Mr. Michael Roberts, who has been sworn in, said that he received the letter later in the week. He had a piece of paper in his hand stating that it was on his door.

Ms. Sanderson looked at what Mr. Roberts was holding and reported to the Board that it was a card from a Police Officer who responded to a complaint about what was written on the wall, however the City does not regulate the content. She said the citation that she issued was for the size of the sign, not the content.

Mr. Roberts said that he drove around town and saw larger signs than his. He said the card that was left on his door stated that he did not need to respond.

Mr. Price said the card was not part of this case. Mr. Roberts said according to the card it was.

Ms. Sanderson stated that the case was initiated based on the complaint.

Mr. Roberts said when they purchased the property there was a shed there and they replaced it with a bigger shed.

Mr. Price said there were three (3) issues. The sign on the fence was too large, the shed requires City approval and a building permit, and the gravel needs City approval.

Ms. Sanderson said the fence sign needs to be reduced to the size allowed for a fence sign.

Mr. Roberts asked if they were counting the lettering or the yellow behind it. Ms. Sanderson said it was the lettering.

Mr. Roberts questioned so if he tightens the lettering it would be in compliance. Ms. Sanderson said if it is no greater than four (4) feet then there would not be a problem.

Mr. Bryant said that he needs to make the lettering smaller and obtain a permit and approval for the gravel driveway and for the shed.

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 90-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of January 6, 2023, until corrected and to pay the initial civil penalty of \$50.00. Mr. McDonald seconded the motion and it passed unanimously.

- n. **CASE #20-CE-11169 / 2959M**
VIOLATOR: Jill Silcox and Shelly Robertson
VIOLATION: Public nuisance; unsafe structure on the property – Code Section 38-31 (a)(b)(8)
VIOLATION ADDRESS: 1941 33rd Avenue
(Request of the Code Enforcement Officer for the Board to find the property in compliance on September 15, 2022, to cease the continuing penalties and to pay the initial civil penalty, cost of enforcement, continuing penalties, and costs and fees - continuing penalty of \$50.00 per day from October 1, 2020, through and including September 14, 2022 (day prior to finding compliance) equals 714 days times \$50.00 per day – Estimated total \$35,800.00 plus costs and fees)

Ms. Sanderson reported that the property was found in compliance on September 15, 2022. She asked that the Board finds the property in compliance as of September 14, 2022, to cease the continuing penalties as of that date and to pay accrued civil penalties and costs.

Mr. Turner reported that the City filed a lawsuit to foreclose on this property. He briefly went over the progress of the lawsuit with the Board members.

Mr. Price moved that the Board finds that the property is in compliance as of September 15, 2022, to cease the continuing penalties as of September 14, 2022, and to pay the accrued civil penalties and costs of enforcement, and accrued continuing penalties and costs. Mr. Daige seconded the motion and it passed unanimously.

- o. **CASE #22-CE-12592 / 0614J**
VIOLATOR: All Bets Off LLC / Jeffrey M. Tomlinson (agent)
VIOLATION: Private wastewater disposal system violation – Code Section 78-83 (a)(4)
VIOLATION ADDRESS: 1565 30th Avenue, Vero Beach, Florida 32960
(Request of the Code Enforcement Officer for the Board to find the property in compliance on January 5, 2023, to cease the continuing penalties and to pay the initial civil penalty, continuing penalties, and costs and fees - continuing penalty of \$50.00 per day from July 29, 2022, through and including January 4, 2023 (day prior to finding compliance) equals 160 days times \$50.00 per day – Estimated total \$8,050.00 plus costs and fees)

Ms. McGee reported that the property was found in compliance on January 5, 2023. She asked that the Board finds the property in compliance, to cease the continued penalties, and to issue a Board order to pay the continued penalties and costs.

The Deputy City Clerk swore in Mr. Jeffrey Tomlinson.

Mr. Jeffrey Tomlinson, who has been sworn in, stated that this is a rental piece of property and he does not live locally. He said that he was under the impression that the paperwork was turned in and he did not know it wasn't until he received another letter. At that point he had the septic tank pumped and inspected.

Mr. Price moved that the Board finds the property is in compliance as of January 5, 2023, to cease the continuing penalties as of January 4, 2023, and to pay the accrued continuing penalties and costs. Mr. McDonald seconded the motion and it passed unanimously.

- p. **CASE #22-CE-12165 / 3422M**
VIOLATOR: Ralph W. Rotermund (TR)(owner) and Dunlap Construction, LLC / Robert A. Dunlap, III (agent)
VIOLATION: Erosion control violation; Failure to properly implement, install, operate and maintain all erosion, pollutant and sediment controls required by an approved erosion and sediment control plan; dirt stockpile on the property has no erosion control; gap in the silt fence on the west side of the property – Code Sections 73.33; 73.35
VIOLATION ADDRESS: 766 Fiddlewood Road, Vero Beach, Florida 32963
(Request of the Code Enforcement Officer for the Board to find the property in compliance on January 9, 2023, to cease the continuing penalties and to pay continuing penalties, and costs and fees - continuing penalty of \$100.00 per day from February 12, 2022, through and including January 8, 2023 (day prior to finding compliance) equals 331 days times \$100.00 per day – Estimated total \$33,100.00 plus costs and fees)

Ms. Sanderson reported that the property was found in compliance on January 9, 2023. She asked that the Board finds the property in compliance as of January 8, 2023, to cease the continuing penalties as of that date, and to pay the accrued penalties and costs.

Mr. Robert Dunlap, who has been sworn in, said that he thought this case was closed in January so it was a big surprise to him when he saw these fines.

Mr. Price explained that all the Board could do was to find compliance and cease the continuing penalties. He said that he could apply for a lien reduction and go before the City Council.

Mr. Price moved that the Board finds the property is in compliance as of January 9, 2023, to cease the continuing penalties as of January 8, 2023, and to pay the accrued continuing penalties and costs. Mr. Daige seconded the motion and it passed unanimously.

- q. **CASE #22-CE-12242 / 3423M**
VIOLATOR: Ralph W. Rotermund (TR)(owner) and Dunlap Construction, LLC / Robert A. Dunlap, III (agent)
VIOLATION: Public nuisance; stagnant unsecured swimming pool onsite.
VIOLATION ADDRESS: 766 Fiddlewood Road, Vero Beach, Florida 32963

(Request of the Code Enforcement Officer for the Board to find the property in compliance on January 5, 2023, to cease the continuing penalties and to pay continuing penalties, and costs and fees - continuing penalty of \$50.00 per day from February 12, 2022, through and including January 4, 2023 (day prior to finding compliance) equals 327 days times \$50.00 per day – Estimated total \$16,350.00 plus costs and fees)

Ms. Sanderson reported that the property was found in compliance on January 4, 2023. She asked that the Board finds the property in compliance as of that date, to cease the continuing penalties as of that date, and to pay the continuing penalties and costs.

Mr. Price moved that the Board finds the property is in compliance as of January 5, 2023, to cease the continuing penalties as of January 4, 2023, and to pay the accrued continuing penalties and costs. Mr. Daige seconded the motion and it passed unanimously.

5. OLD BUSINESS

None

6. NEW BUSINESS

None

7. ADMINISTRATIVE MATTERS

None

8. CLERK'S MATTERS

None

9. ATTORNEY'S MATTERS

None

10. CHAIRMAN'S MATTERS

None

11. MEMBER'S MATTERS

Mr. McDonald referred to the 30-day rental policy. He said it seems that the trend right now is that the property owners are coaching their renters to tell whoever questions them that they have leased the property for 30-days. He said that he has two (2) rental houses in his neighborhood and he sees people in and out of them two (2) or three (3) times a month. He said that he ran into Ms. Sanderson when he was walking his dog and asked her if this was a police matter and someone was being questioned by a representative of the Police, why wasn't it a continuation of a perpetuating fraud. He said if they were being coached to lie to the police, why aren't they being held as responsible as the owner.

Mr. Turner said that would be a matter for the State Attorney.

Mr. McDonald said then they should get the State Attorney's office involved and rewrite the Ordinance. He said they are doing whatever they want to and there is no way to track them online. It seems that the City won't pay for the software so they could track them online.

Ms. Sanderson said that she spoke with Chief Currey and brought up the software. She said that she spoke with the County about what software they use and they are going to show her what their software can do. She said that she would be submitting a proposal to Chief Currey.

Mr. Daige said that he was in favor of having Ms. Sanderson follow through with the County and bringing the information back to Chief Currey where he could bring it before the City Council.

Mr. Turner said the Code does not allow short term rentals. He said enforcement was the problem. He said there are only two (2) Code Officers for the entire City.

Mr. McDonald said it is not a question of more enforcement. It is taking the Ordinance to the point where if the renters misrepresent to the Code Officers that they would be held responsible, as well as the property owners.

Mr. Turner said that would be more of a State controlled issue. He did not think the City could adopt that type of an Ordinance.

Mr. Daige asked Ms. Sanderson that after she meets with the County and speaks with Chief Currey, that she give the Board an update on what she has been working on at an upcoming meeting.

12. ADJOURNMENT

Today's meeting adjourned at 3:10 p.m.

/sp