

CODE ENFORCEMENT BOARD MINUTES
Wednesday, March 9, 2022 – 1:30 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Eric Price; Vice Chairman, Linda Hillman; Members: Stephen McDonald, Frank Pizzichillo, Christopher Bryant and Ken Daige **Also Present:** Code Enforcement Officer, Melody Sanderson; Code Enforcement Officer, Jamila McGee; 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.

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. February 9, 2022

Mr. Price made a motion to adopt the minutes of the February 9, 2022 Code Enforcement Board meeting. Mr. Pizzichillo seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Ms. Sherri Philo, Deputy City Clerk, pulled Case #22-CE-12197 - William J. Kingston from today's agenda. She reported that she received notification from the Indian River County Building Department that Mr. Kingston decided not to appeal the citation and that they were in compliance and the civil penalty has been paid.

Ms. Melody Sanderson, Code Enforcement Officer, pulled Case #21-CE-12115 – James and Theresa Rose / WT Lot Builders, LLC / Holiston Hanley, Case #22-CE-12177 - Lawn Rangers of IRC, Inc. / J. Garry Rooney, Case #21-CE-11578 / Jason M. and Shannon M. Wesley and Case #21-CE-12228 / Victor and Maria Herraiz and Juan Garcia / Weichert Realtors from today's agenda. She reported that they were all in compliance and the civil penalties have been paid.

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

4. UNLICENSED CONTRACTORS/CITATIONS

5. EVIDENTIARY HEARINGS

A) Citation Appeals

1. CASE #22-CE-12197 / 3760

VIOLATOR: William J. Kingston

VIOLATION: Unlicensed contracting – Code Section 400.01 (1)/22-86(a)

VIOLATION ADDRESS: 705 and 715 19th Place, Vero Beach, Florida 32960

This item was pulled from today's agenda.

B) Non-Compliance / Compliance Reports

1. Request for Board Order

a. CASE #21-CE-12142 / 0345J

VIOLATOR: Wayne's Toys, LLC / Wayne K. Gould, Manager

VIOLATION: Accumulation of undergrowth on the property and right-of-way not being maintained / dead trees and trash on the property – Code Section 38-31 (b)(1)(4)(5)

VIOLATION ADDRESS: 857 18th Place, Vero Beach, Florida 32960

(Failure to pay \$50.00 civil penalty)

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

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. Pizzichillo seconded the motion and it passed unanimously.

b. CASE: #21-CE-12021 / 3348M

VIOLATOR: Jarrett T. Bass

VIOLATION: Gravel added to drive, right-of-way and new walkway without obtaining Code Compliance Certification from the City of Vero Beach Planning and Development Department – Code Section 64.05 (a)(b)(10)(a)

VIOLATION ADDRESS: 2316 19th Avenue Apartment 3, Vero Beach, Florida 32960

(Failure to comply)

Ms. Sanderson reported that service of the citation was provided by property posting. The original compliance date was November 9, 2021. The civil penalty has been paid and as of today the property remains in violation.

Mr. Jarrett T. Bass, violator, who has been sworn in, stated that his contractor was told that the concrete delivery would take seven (7) to 10 week and that they would commence work closer to the delivery date, which should be the week of April 18, 2022.

Mr. Daige said that he did not have a problem with allowing 90-days to correct the violation.

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 9, 2021, until corrected and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

- c. **CASE #21-CE-12115 / 3230M**
VIOLATOR: James E. and Theresa Rose (owners) and WT Lot Builders, LLC (Contractor) / Holiston Hanley, Agent
VIOLATION: Code Compliance Certification and building permit required for pergola and right-of-way encroachment – Code Sections 64.05 (9)(b); 22-106; 71.03
VIOLATION ADDRESS: 5060 Trade Winds Drive, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- d. **CASE #22-CE-12177 / 3397M**
VIOLATOR: Lawn Rangers of IRC, Inc. / J. Garry Rooney, Agent
VIOLATION: Land development violation – Code Sections 60.21 (b)(1); 73.22
VIOLATION ADDRESS: 724 Tides Road, Vero Beach, Florida 32963
(Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- e. **CASE #22-CE-12214 / 3409M**
VIOLATOR: JC Rental & Investments, Inc. / James B. Schlitt, Agent
VIOLATION: Public nuisances – Code Section 38-31 (5)(9)
VIOLATION ADDRESS: 1228 24th Street #9, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

Ms. Sanderson reported that service of the citation was provided by certified mail. The property came into compliance today and the civil penalty of \$50.00 has not been paid. She asked 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. Pizzichillo asked if the violator was present.

Ms. Sanderson answered yes.

At this time, the Deputy City Clerk swore in Mr. James B. Schlitt.
Mr. Pizzichillo asked is this a persistent thing with his rentals.

Mr. James B. Schlitt, property owner, who has been sworn in, said when you put 82 trailers on two (2) acres of land this is what happens.

Ms. Sanderson said there are extenuating circumstances that was out of Mr. Schlitt's control.

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. Pizzichillo seconded the motion and it passed unanimously.

- f. **CASE #22-CE-12216 / 3411M – Repeat Violation**
VIOLATOR: JC Rental & Investments, Inc. / James B. Schlitt, Agent
VIOLATION: Public nuisances and right-of-way encroachment / wood scraps, buckets and miscellaneous items (trash or scrap items) stored on right-of-way
VIOLATION ADDRESS: 1228 24th Street #31, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$150.00 civil penalty)

Ms. Sanderson reported that service of the citation was provided by certified mail. This is a repeat violation with a civil penalty of \$150.00 that has not been paid and the property remains in violation. She requested that the Board finds there is a violation, that the violation continues, and that the Board issues a Board order to correct the violation within 10-days from the date of the Board order or continuing civil penalties in the amount of \$150.00 per day shall commence on the original compliance date of February 17, 2022, and to pay the initial civil penalty of \$150.00.

Mr. Daige asked Mr. Schlitt if 10-days was enough time to get this done.

Mr. Schlitt 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 10-days days from the date of the Board order or continuing civil penalties in the amount of \$150.00 per day shall commence on the original compliance date of February 17, 2022, until corrected and to pay the initial civil penalty of \$150.00. Mr. Pizzichillo seconded the motion and it passed unanimously.

- g. **CASE #22-CE-12217 / 3412M - Repeat Violation**
VIOLATOR: JC Rental & Investments, Inc. / James B. Schlitt, Agent
VIOLATION: Public nuisances / household supplies, bins, buckets, bed frame, window frame, awning, kitchen appliance(s) and miscellaneous items (trash or scrap) stored on right-of-way – Code Sections 38-31 (a)(b)(5); 71.03
VIOLATION ADDRESS: 1228 24th Street #32, Vero Beach, Florida 32960

(Failure to comply; Failure to pay \$150.00 civil penalty)

Ms. Sanderson reported that service of the violation was provided by certified mail. This is a repeat violation with a civil penalty of \$150.00 that has not been paid and the property remains in violation. She requested that the Board finds there is a violation, that the violation continues, and that the Board issues a Board order to correct the violation within 10-days from the date of the Board order or continuing civil penalties in the amount of \$150.00 per day shall commence on the original compliance date of February 17, 2022, and to pay the initial civil penalty of \$150.00.

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 10-days from the date of the Board order or continuing civil penalties in the amount of \$150.00 per day shall commence on the original compliance date of February 17, 2022, until corrected and to pay the initial civil penalty of \$150.00. Mr. Pizzichillo seconded the motion and it passed unanimously.

- h. CASE #22-CE-12158 / 3390M**
VIOLATOR: Blake E. Goodwyn, Bruce F. Goodwyn, III and Michelle Goodwyn
VIOLATION: Solid waste violation / special pickup required for the Bull Bag dumpster and wood – Code Sections 66-12 (e); 66-13 (1)
VIOLATION ADDRESS: 2665 11th Court, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

Ms. Sanderson reported that service of the citation was provided by property posting. The property was found in compliance on March 2, 2022, and the civil penalty of \$50.00 has not been paid. She asked 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. 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. Pizzichillo seconded the motion and it passed unanimously.

- i. CASE #21-CE-11578 / 3416M**
VIOLATOR: Jason M. and Shannon M. Wesley
VIOLATION: Land development code violation / failure to obtain Code Compliance Certification for driveway installed - Cod- Section 60.21 (b)(1)
VIOLATION ADDRESS: 2025 Buena Vista Boulevard, Vero Beach, Florida 32960
(Failure to comply)

This item was pulled from today's agenda.

- j. CASE #22-CE-12228 / 3417M**

VIOLATOR: Victor and Maria Herraiz (owners) and Juan Garcia, Real Estate Agent / Weichert Realtors

VIOLATION: Sign violation – Code Section 38.09 (1)(1)

VIOLATION ADDRESS: 2026 30th Avenue, Vero Beach, Florida 32960

(Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

k. CASE #22-CE-12165 / 3422M – Repeat Violation

VIOLATOR: Ralph W. Rotermund (TR) (owner) and Dunlap Construction, LLC / Robert A. Dunlap, III, Agent

VIOLATION: Erosion control violation / dirt stockpile on property has no erosion control; there is a 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

(Failure to comply; Failure to pay \$100.00 civil penalty)

Ms. Sanderson reported that service of the citation was provided by property posting. The civil penalty of \$50.00 has been paid and the property remains in violation. 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 10-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 February 12, 2022, until corrected and that the civil penalty has been paid.

Mr. Pizzichillo noted that the citation states that the civil penalty was \$100.00.

Ms. Sanderson said that is correct, the citation amount is \$100.00.

Mr. Price moved 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 10-days from the date of the Board order or continuing civil penalties in the amount of \$100.00 per day shall commence on the original compliance date of February 12, 2022, until corrected and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

l. 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 – Code Section 38-31 (b)(6)(7)

VIOLATION ADDRESS: 766 Fiddlewood Road, 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 posting of the property. The civil penalty has been paid and the property remains in violation. She said they were close to compliance, but the pool is not completely secured in one (1) area.

Mr. Pizzichillo said that he is concerned about stagnant pools. He asked is there any way they could rectify this quickly.

Ms. Sanderson reported that the pool is 95% secure. There is one (1) corner that is not secured, which she emailed photographs of to the contractor with the hope that this would get resolved. She asked that the Board allows three (3) days from the date of the Board order to come into compliance. She explained that she emailed them pictures on Monday and she would follow up on it this afternoon.

Ms. Sherri Philo, Deputy City Clerk, explained that three (3) days was not enough time to get service of the Board order with the way the mail has been running.

Mr. Daige suggested that they allow seven (7) days.

Mr. John Turner, City Attorney, said this is a company that is before this Board frequently. The Code Officer deals with this company frequently and it would be his recommendation that the Board follows the Code Officer's recommendation to have this matter corrected in an expeditious manner.

Mr. Pizzichillo felt that this needed to be handled very quickly because a stagnant pool has bugs that carry diseases and some of them are deadly.

Ms. Sanderson noted that 95% of the pool is secure. There is one (1) corner that is open and it is a very simple fix.

Mr. Price felt that the Board should allow a little more time to allow for service of the Board order. He suggested that the Board allow seven (7) days to come into compliance.

Mr. Turner asked Ms. Sanderson if she was comfortable with allowing seven (7) days.

Ms. Sanderson answered yes. She said that she would also post the Board Order on the property since the mail is unpredictable.

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 seven (7)-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 February 12, 2022, until corrected and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

6. OLD 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

None

12. ADJOURNMENT

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

/sp