

**CODE ENFORCEMENT BOARD MINUTES**  
**Wednesday, May 11, 2022 – 1:30 p.m.**  
**City Hall, Council Chambers, Vero Beach, Florida**

**PRESENT:** Chairman, Eric Price; Members: 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

**Excused Absences:** Stephen McDonald and Linda Hillman

**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. April 13, 2022**

**Mr. Price made a motion to adopt the minutes of the April 13, 2022 Code Enforcement Board meeting. Mr. Pizzichillo seconded the motion and it passed unanimously.**

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

Ms. Melody Sanderson, Code Enforcement Officer, pulled Case #22-CE-12130 – Juan Sanchez from today's agenda. She reported that the property came into compliance after receiving the Notice of Hearing. She then pulled Case #22-CE-12325 – Dayton Dandies, Inc. / What a Tavern & Deli / Robert Kost from today's agenda. She reported that they are working with the Planning and Development Department.

Ms. Jamila McGee, Code Enforcement Officer, pulled Case #22-CE-12150 – Susan Fries Garris from today's agenda. She reported that she was pulling this case in order to allow them more time to come into compliance. She then pulled Case #22-CE-12275 – Maria and Ann Malecki, Case #22-CE-12279 – Barclay Fiske Tuck and Danielle Gahn and Case #22-CE-12311 – Judy Davis /and Joanna Fallin from today's agenda. She reported that the civil penalties were paid after receiving the Notice of Hearing.

Ms. Sherri Philo, Deputy City Clerk, pulled Case #21-CE-12046 – Riomar Cove Homeowners Association, Inc. / Robert Lewis from today's agenda. She reported that she received a request for an extension, which was approved by the Chairman. She then pulled item 7-A) from today's agenda. She reported that Ms. Calhoun no longer wishes to address the Board.

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

**4. UNLICENSED CONTRACTORS/CITATIONS**

**5. EVIDENTIARY HEARINGS**

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

**A) Citation Appeals**

**1. CASE #22-CE-12205 / 0396J**

**VIOLATOR:** Michael Mitchell / Maureen O'Brien

**VIOLATION:** Sewer use restrictions – Code Section 78-83 (a)(4)

**VIOLATION ADDRESS:** 3902 Sabal Palm Drive, Vero Beach, Florida 32963

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

Mr. Michael Mitchell, property owner, who has been sworn in, said that he did his best to resolve this. He stated that he was confused by the original citation because it stated that each owner has to have a regular pumpout and inspection no less than every five (5) years. He said that he has owned this property for less than five (5) years. He said that he contacted Ms. McGee on February 15<sup>th</sup> and was told that the prior owner had not filed. He said that he didn't think that was fair to hold him accountable for someone else's lack of performance and he was told that there was no appeal process available to him unless a fine was assessed. He then submitted into the record a letter that he wrote to the Water and Sewer Department requesting verification (Exhibit A) and stated that he never received a response. Despite his confusion, he had the tank pumped and inspected. He then submitted into evidence the Septic Tank Pumping Inspection Report (Exhibit B). He requested that his case be dismissed and the fine waived considering his unsuccessful efforts to resolve this and the lack of communication from the Water and Sewer Department.

Mr. Pizzichillo asked Mr. Turner when a person purchases a piece of property, do they inherit all liens and judgements.

Mr. John Turner, City Attorney, said to his knowledge it is not an exception to the requirements of a pumpout that the new owner is relieved from the responsibility of the property being pumped out every five (5) years. It is part of the new owner's responsibility to make sure that has occurred at the closing. There is nothing in the Ordinance that he is aware of that allows that exception.

Mr. Price asked Ms. McGee how she knew the pumpout was due.

Ms. McGee reported that the Water and Sewer Department sent her a list of the properties that were not pumped out.

Mr. Price asked has it been over five (5) years since this property was pumped out.

Ms. McGee said that she was not provided the date, but they were all over five (5) years.

Mr. Price questioned so the new owner is not notified of their responsibility other than receiving a citation.

Ms. McGee reported that Ms. Sanderson issued a citation on February 12, 2021, and was told that they were working with Reliable Septic to have it pumped so the case was closed.

Mr. Price asked did Reliable Septic do the pumpout.

Mr. Mitchell explained that there were two (2) properties at issue. The property that Ms. McGee just referred to was at 330 Holly Road, which is his principle residence. He stated that they were on the waiting list with Reliable Septic and he attempted to put the Water and Sewer Department in contact with Reliable Septic and it took several iterations before the citation was withdrawn. He then submitted into evidence the citation, Affidavit of Non-Compliance, and Notice of Withdrawal of Citation that was just referred to for 330 Holly Road (Exhibit C).

Mr. Price thought that Ms. McGee's comment was to let the Board know that Mr. Mitchell must be aware that there was some kind of an expiration because he received a citation for another piece of property.

Mr. Mitchell said this was really a question of confusion. He said that he reached out to the Department to try to resolve his confusion and was unable to do that. That is the reason he is before the Board today. He said that his tank has been pumped out and he is now in compliance. All he is requesting is a waiver of the fine.

Mr. Bryant agreed with Mr. Mitchell. He said that Mr. Mitchell made contact with the Code Enforcement Officer in February, he mailed a letter and received no response, he went ahead and had the tank pumped out and inspected. He felt that this should be dropped and that Mr. Mitchell should not have to pay the \$50.00 civil penalty.

Mr. Pizzichillo felt that Mr. Mitchell did what he had to do and that the Board needed to give him the benefit of the doubt.

Mr. Daige asked Ms. McGee if Mr. Mitchell contacted her to let her know what was going on. He asked if this could have been worked out prior to this case coming before the Board.

Ms. McGee reported that she advised Mr. Mitchell that the tank would have to be pumped out and he told her that he was not going to do that so she referred him to the Water and Sewer Department to answer any questions that he had.

Mr. Pizzichillo asked Mr. Mitchell why he would make a statement that he was not going to do it.

Mr. Mitchell said that he didn't think that he did. He said that he was told during the telephone call on February 15<sup>th</sup> that there was no appeal process until a fine had been assessed.

Mr. Price said but he had the same issue with his other property.

Mr. Mitchell said it was a different issue with his other property. He explained that he was on the waiting list for Reliable Septic and for some reason Reliable Septic didn't file the appropriate report.

Mr. Price said then it wasn't about the five (5) year limit.

Mr. Mitchell said that is correct.

Mr. Daige asked Ms. McGee if she still stands by her statement that she heard Mr. Mitchell state that he would not pump it out.

Ms. McGee read from her notes that Mr. Mitchell stated that he did not feel that he should be responsible for having the tank pumped or inspected for another three (3) years because he had only owned the property for two (2) years.

Mr. Daige said after hearing the Code Enforcement Officer's statements, he was leaning towards recommending that the civil penalty be paid. He said that he knows the Code Enforcement Officers do try to work with people before they get to the point that they are before the Board.

Mr. Price said that Mr. Mitchell stated that he was confused about having to pay the civil penalty before he could appeal.

Ms. McGee reported that after receiving the warning citation Mr. Mitchell requested an appeal and she explained to him that in order to appeal he would first need to receive a citation with a civil penalty.

Mr. Sanderson explained that a warning citation cannot be appealed.

Mr. Daige said that Mr. Mitchell stated that he was confused and that he didn't understand the process. He asked Ms. McGee if she explained to Mr. Mitchell the details that the civil penalty would have to be paid.

Ms. McGee answered yes.

Mr. Mitchell said shortly after his conversation with Ms. McGee he sent a letter to Mrs. Sharon Bond of the Water and Sewer Department requesting guidance.

Ms. McGee reported that she did not receive this information from the Water and Sewer Department.

Mr. Daige said with that being said, Mr. Mitchell tried to work this out and Ms. McGee did her job, but the breakdown came from the side of the City.

**Mr. Pizzichillo made a motion to rescind the \$50.00 civil penalty. Mr. Bryant seconded the motion and it passed unanimously.**

2. **CASE #22-CE-12410 / 3334M**  
**VIOLATOR:** Jeff N. and Amanda J. Brown  
**VIOLATION:** Management of grass clippings and vegetative matter  
– Code Section 38-109

**VIOLATION ADDRESS:** 2136 Valencia Avenue, Vero Beach,  
Florida 32960

Ms. Sanderson reported that this case is before the Board under an appeal of the citation. She read in part, Code Section 38-109, *“In no case shall grass clippings, vegetative material and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands...”* She showed on the screen pictures of the leaves on the street and a map of the City that showed the residence outlined in blue and the storm drains outlined in yellow. She then called Ms. Danessa Chambers as a witness to speak on the Ordinance and the enforcement of it.

Ms. Danessa Chambers, Assistance City Engineer for the City of Vero Beach Public Works Department, who has been sworn in, stated that the Ordinance does state that no grass clippings or vegetative matter shall go into the water bodies that Ms. Sanderson listed. She noted that it also states at the end of the statement, *“no sidewalks or roadways.”* She explained that the reason it is important that it doesn't go onto the sidewalks or roadways is because it is an impervious service and it is likely to get picked up and taken to a storm drain, which leads to a water body. She said it is important to keep the vegetative matter out of the water bodies. She reported that nitrogen and phosphorous are the two (2) most concerning pollutants to the Indian River Lagoon and when leaves and grass clippings break down they break down into nitrogen and phosphorous. Part of their stormwater education program, staff is reaching out to the public in multiple ways. One of which is an annual mailer. This year they elected to do an annual mailer on what to do with hazardous materials. Last year and the prior year they provided an education mailer to everyone who receives a water or sewer bill, including this property, notifying them not to blow their clippings and leaf litter onto the roadways and how to properly manage them on site. She then showed on the screen a copy of that flyer (Exhibit A). She noted that this is the flyer that was provided to this property last year and the year prior.

Ms. Sanderson called Mr. John Macht as a witness.

Mr. John Macht, City Surveyor, who has been sworn in, stated that he works in Survey and Inspection and part of his duties is patrolling the right-of-ways.

Ms. Sanderson asked Mr. Macht on the day in question if he had access to this property.

Mr. Macht answered yes. He said that he was driving down the road and noticed that she (Mrs. Amanda Brown) was blowing a massive amount of leaves onto the roadway. He approached her and asked her what she was going to do with them and she said that she was going to blow them down the road and let the wind take them. He explained to her that she couldn't do that and she said they were her neighbor's leaves that blew into her yard. He explained to her that she needed to clean them up and she walked away and went inside.

Ms. Sanderson called Mr. Dan Rodriguez as a witness.

Mr. Turner suggested that Ms. Sanderson ask Mrs. Brown if she had any questions of the witnesses.

Ms. Sanderson explained to Mrs. Brown that she could question anyone who comes to the podium to testify.

Mr. Dan Rodriguez, Streets Division Manager, who has been sworn in, stated that their street sweeper was down at the time so they called in a crew of three (3) employees to go out there with their trucks and manually clean it up. He reported that there also was a lot of gravel. He reported that she received a bill for a total of \$270.00, which was for three (3) employees at two (2) hours with equipment and land fill fees (bill on file in the City Clerk's office). He said this is a standard bill for deployment, equipment, and time.

Mr. Daige found the bill to be very modest for the work that they had to do.

Mrs. Amanda Brown, violator, who has been sworn in, said that she would have been more than happy to clean up the debris if she was told to clean them up. She was never given any official notification. After receiving the bill she researched the Florida Statutes. She said Florida Statute, Chapter 162, Section 21 (c) states that prior to issuing a citation, a Code Enforcement Officer shall provide notification to the person that has committed the violation and establish a reasonable time to correct the violation. She said that never happened. It is true that a City employee did come by and tell her that she shouldn't do it, but they didn't tell her when it had to be cleaned up by. She said that she calls her mother every morning at 9:00 a.m. to make sure that she is okay and while she was on the telephone with her mother they came and cleaned up the debris. She said it was gone by 10:00 a.m. She said this bill is totally wrong. It lists the hours of between 1:00 p.m. and 3:00 p.m. She said they were gone before 10:00 a.m. It did not take three (3) people two (2) hours to do a job that she committed in less than a half-hour. She said that she would have been more than happy to clean up her mess if she was given time to do it. She said that she did do it, but she was not given time to clean it up and she wasn't given notification.

Mr. Price asked Mrs. Brown how long she has lived at this address.

Mrs. Brown said that she has lived there for approximately 18-years.

Mr. Price questioned the flyers that were sent with the bills.

Mrs. Brown said that she does not recollect seeing that flyer, but she is not the only resident in the house.

Mr. Price said it might not take long to blow leaves into the road, but it takes longer to pick them up.

Ms. Brown disagreed. She said they could have blown them back into her yard. She said in looking at the picture, you could see they were not her leaves because she does not have Oak Trees in her yard.

Mr. Price asked Mrs. Brown if she was stating that no one came to tell her that the leaves shouldn't be in the road.

Mrs. Brown said no one told her that she was going to receive a citation.

Mr. Price questioned, but someone did tell her that the leaves were not supposed to be in the road.

Mrs. Brown said yes, but she was not given time to clean it up.

Mr. Price asked how much time she thought she should have been given.

Mrs. Brown said at least a day. She said that she was given less than three (3) hours.

Mr. Price questioned but what if it rained.

Mrs. Brown said it didn't, what if.

Mr. Pizzichillo said if they are going to play the what if game, what if after she walked inside to make the telephone call and a strong wind came and blew them onto someone else's property.

Mrs. Brown said that is exactly what happened to her property. She said if they looked at the picture shown, her yard has Palm Trees. She again referred to Chapter 162 of the Florida Statutes. She said that she was not approached by a Code Enforcement Officer.

Ms. Sanderson explained that the City does not follow Chapter 162. The City of Vero Beach follows a citation process as adopted by City Code.

Mr. Turner explained that Chapter 162 does not apply to a municipality that has enacted their own code enforcement procedures.

Mrs. Brown questioned so the City of Vero Beach is not accountable to State law.

Mr. Turner said the City is exempt from that by adopting their own Code.

Mrs. Brown said the second bill that she received was entirely fictitious. They were never at her house between 1:00 p.m. and 3:00 p.m. Also, that was on Good Friday.

Mr. Price questioned, but you agree that someone removed them.

Mrs. Brown said yes, but it was before 10:00 a.m.

Mr. Daige referred to the timesheet and work log that was included in their backup information (on file in the City Clerk's office). He reported that the work log has the date, the names of the employees who did the work, the start and stop time, the vehicle ID numbers, and the operators of the vehicles. He said there were two (2) vehicles and each showed the start time and the end time. He wanted it on the record that the Board was supplied this information and the leaves were cleaned up by the City.

Mrs. Brown said it was before 10:00 a.m.

Mr. Price said that he didn't know if the time was relevant at this point.

Mrs. Brown disagreed. She felt time was relevant because if she had more time she would have done it herself.

Mr. Price said if she hadn't blown the leaves onto the road to begin with there wouldn't have been a violation.

Mrs. Brown said that she didn't realize it was a violation because she has seen every lawn maintenance man in the City do it. She said every single maintenance man in the City does it.

Ms. Sanderson said that she would like to recall Ms. Chambers.

Mr. Price asked Mrs. Brown if she had any questions of anyone who has spoken.

Mrs. Brown said that she was curious why they came up with the time of 1:00 p.m. to 3:00 p.m. She asked why they fibbed about the time because they know they were there before 10:00 a.m.

Ms. Chambers reported that the City trains their employees not to blow leaves, litter, and debris into the street and back up onto the properties. The City also sends out business mailers to yard maintenance companies and to construction companies so they are actively being trained. She explained that regarding the clean up time, leaf litter was considered an illicit discharge and pollutant if it gets picked up by stormwater. Therefore, one (1) of the reasons City employees are pulled off of whatever job they are working on is to clean it up so it could be caught before there is a storm event. The City is very diligent when there is an illicit discharge identified to get the crews out to clean it up before it gets washed away.

Ms. Sanderson recalled Mr. Macht.

Ms. Sanderson asked Mr. Macht to testify on the approximate time frame.

Mr. Macht said to the best of his memory his first encounter was around 9:30 a.m. or 10:00 a.m. He reported that he then went back to the office and made contact with Ms. Sanderson. He reported that he drove over there later in the day, which he thought it was after 11:00 a.m., and it could have been the time that he took the photographs that he sent Ms. Sanderson. He said that he failed to mention earlier that about 40% of the leaves that she was blowing into the road were from her Ficas Tree. He noted that there is an Oak Tree located behind the Ficas Tree so not all the leaves were coming from her neighbors.

Mr. Pizzichillo asked were there still leaves in the roadway the second time that he was there.

Mr. Macht answered yes. He explained that the time listed on the clean up list includes drive time of going to the property and to the dump.

Mrs. Brown said it states on the her citation that the first time they were there was at 7:40 a.m.

Ms. Sanderson said that was the date and time that she observed the leaves. She noted that the employees listed on the bill were not the employees who are present for today's hearing.

Mrs. Brown said that is part of the problem. She said they are just talking about leaves. The foliage was cleaned up by 10:00 a.m. She would have liked to have received a telephone call or a knock on her door.

Ms. Sanderson said it was Mr. Rodriguez's crew that was on site. She then recalled Mr. Rodriguez.

Mr. Rodriguez said the time is mute because at end of day he asked his employees how long it took them to clean it up and he was told two (2) hours. He wrote 1:00 p.m. on the bill because that was the time that he spoke with his employees. Just because she was billed for two (2) hours doesn't mean that the employees were on her property for two (2) hours. The

time includes deployment, putting the equipment away, the time to go to the dump, etc. The time of 1:00 p.m. to 3:00 p.m. was mute. That was the time that he filled out the paperwork.

Mrs. Brown asked why there was an additional fee for landfill because if they had just waited until Wednesday it would have been picked up for free.

Mr. Rodriguez explained that they don't have a place to store yard waste.

Mrs. Brown said they could have left it in the side of her yard.

Mr. Daige said as stated previously, he considers the bill from the City to clean up the mess in the road very reasonable. It does take physical effort to clean things up and there is drive time to get to the landfill. He said even the landfill fee was very modest. He felt as far as cleaning up the mess Mrs. Brown made out fairly well. He said the bill should be paid. They had testimony from the Assistant City Engineer that information was sent with the water and sewer bills. He said this is a very serious issue. They need to keep their drains as clean as possible. They are all very concerned about the Lagoon. He said there is a lot of information out there that the Lagoon needs help and this is one (1) way to help it. He said this is an uncomfortable situation for the homeowner, but the City had to clean it up and they cleaned it up in a timely fashion, which he was in favor of. He said that he was not in favor of waiving this at all.

Mr. Price agreed that there was a violation and it was there long enough for the City to collect and dispose of it. He said there has been ample notification to homeowners not to do it and she has resided there for 18 years. If she missed the notification, she knows now.

Ms. Sanderson asked that the Board finds that there was a violation, that the violation was corrected by the City, and that the Board issues a Board order to pay the initial civil penalty and the costs of clean up by the City.

**Mr. Price moved that the Board finds that there was a violation, that the violation has been corrected by the City, and that the Board issues a Board order to pay the initial civil penalty of \$50.00 and the cost of the bill of \$270.78. Mr. Bryant seconded the motion and it passed unanimously.**

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

### **1. Request for Board Order**

#### **a. CASE #21-CE-11483 / 3189M**

**VIOLATOR:** 827 22<sup>nd</sup> Street LLC / Frederick J. Piumelli,  
Agent

**VIOLATION:** Failure to obtain Code Compliance Certification or a building permit – Repeat Violation – Code Section 64.05 (a)(b)(9)(b)(10)(a)

**VIOLATION ADDRESS:** 827 22<sup>nd</sup> Street, Vero Beach, Florida 32960

**(Request from Code Enforcement Officer to find in compliance as of April 21, 2022 and to cease the continuing penalties. The initial civil penalty of \$100.00 has been paid. Continuing civil penalties from March 9, 2021 through April 20, 2022 of \$100.00 per day x 408 days = \$40,800.00,**

**plus costs of enforcement of \$61.58, along with costs due to the City.)**

Ms. Sanderson requested that the Board finds the property in compliance as of April 21, 2022, to cease the continuing penalties as of April 21, 2022, and to pay the accrued continuing penalties, enforcement costs of \$101.32 in addition to the previous enforcement costs of \$61.58. She reported that the initial civil penalty has been paid.

**Mr. Price moved that the Board finds that the property is in compliance as of April 21, 2022, that they cease the continuing penalties as of April 21, 2022, and to pay the accrued continuing penalties and costs of \$101.32. Mr. Pizzichillo seconded the motion and it passed unanimously.**

- b. CASE #21-CE-11521 / 3225M**  
**VIOLATOR:** FDCHFV, LLC / Frederick Piumelli, Agent / c/o North Crane Capital  
**VIOLATION:** Oak and Palm Trees remove without a permit – Code Section – 72.44  
**VIOLATION ADDRESS:** 705 19<sup>th</sup> Place, Vero Beach, Florida 32960  
**(Request from Planning and Development Director to hold continuing civil penalties in abeyance with the entering of Code Compliance agreement)**

Mr. Jason Jeffries, Planning and Development Director, who has been sworn in, reported that Mr. Piumelli has been working with the Planning and Development Department on this issue. He explained that the way the City's Code works is that mitigation is double than what would be required and they cannot fit all the trees required to mitigate on this piece of property. They have another piece of property on Royal Palm Boulevard, The Oaks at Royal Palm, so staff prepared a Compliance Agreement (on file in the City Clerk's office) where they could mitigate the trees that they took from this address to the address on Royal Palm Boulevard.

Mr. Daige asked to see a photograph of the trees that were removed.

At this time, Ms. Sanderson submitted photographs (Exhibit A) into evidence.

Mr. Frederick Piumelli, violator, who has been sworn in, reported that this occurred during the first few months of him moving here. He was not aware of the protocol of cutting down trees in the City of Vero Beach and now he is very well aware. He reported that the trees were removed because they were hanging over the roofs of the property and it was a dangerous. He said the reason they were talking about this a year later was because there was a misunderstanding in that he thought through his work with the Planning and Development Department that he was in compliance. He now knows that he was not in compliance and that the civil penalties have been accruing.

At this time, Ms. Sanderson submitted the Tree Removal Application (Exhibit B) into evidence.

Mr. Daige said the trees seemed to be very large. He asked Mr. Piumelli if he hired a professional tree company.

Mr. Piumelli answered yes.

Mr. Daige asked was the company from Indian River County.

Mr. Piumelli said they were based out of Fellsmere.

Mr. Daige asked was there any discussion between the tree company and himself as far as pulling the proper permits.

Mr. Piumelli answered no.

Mr. Daige questioned so the tree company didn't bring it to his attention.

Mr. Piumelli said that is correct.

Mr. Piumelli said that his family has been here for a long time and his parents helped them build their business, which was started a few years ago. He said that he didn't know what level of awareness that they had.

Mr. Daige said that he would think as a business owner that they would look into the rules and regulations and advise their clients. He said there is a civil penalty of \$7,250.00.

Mr. Piumelli said that has been paid. He said the moment they discovered there was an issue they paid the penalty that same day.

**Mr. Price moved that the Board approves the Compliance Agreement as written and that the continuing penalties cease.**

Mr. Jeffries said the Board has the draft Compliance Agreement, which has a handwritten condition.

Mr. Bryant reported that the condition written states, *"If compliance is met there will be no additional penalties."*

**Mr. Price made a motion that the Board approves the Compliance Agreement as written, but with removal of the handwritten note.**

Mr. Piumelli said that he unwilling to sign the Compliance Agreement without the modification.

Mr. Turner noted that this is not the time to negotiate. If they don't agree on the Compliance Agreement then the Board would set it aside and proceed with the case.

Mr. Piumelli said the intent was for the mitigation to be done at The Oaks at Royal Palm and The Oaks at Royal Palm was listed in the Compliance Agreement with only three (3) addresses and there are seven (7) addresses.

Mr. Jeffries said that has been corrected. He explained that they were all on the same parcels.

Mr. Piumelli said that then he would sign the Agreement with the striking of his comment.

**Mr. Bryant seconded the motion and it passed unanimously.**

c. **CASE #21-CE-12116 / 3231M**

**VIOLATOR:** George Boulahanis (TRS)

**VIOLATION:** Multi-family residential use of the property in R-1 residential zoned district – Code Sections 60.21 (b)(2); 60.24(4)

**VIOLATION ADDRESS:** 2625 10<sup>th</sup> Court, Vero Beach, Florida 32960

**(Case continued from the January 12, 2022 Code Enforcement Board meeting – failure to comply – failure to pay \$500.00 civil penalty)**

Ms. Sanderson reported that the original violation was for occupying or use of land or structure without first obtaining all appropriate development permits and approvals pursuant to Chapter 64, Article I, Development Review, and complying with their terms. This is a multi-family residential unit of three (3) units in an R-1) Zoned District.

Mr. George Boulahanis, violator, who has been sworn in, stated that the Board asked him to do some more research on this property. He searched everything that he could and there are no records other than tax records. He said that this property has been like this for 40-years that he knows of and even before then. Now he is being told to put the property back to what the City wants. He was willing to go along with that, but now he has to pay \$700 in fines as well. He said to him this seems very unfair.

Mr. Daige said this case was before the Board on January 12, 2022, and he remembers the information that was put into the record and the Board wanted to give Mr. Boulahanis ample time so that he could work with the Planning and Development Department and with Code Enforcement.

Mr. Boulahanis said that he was told to look for records and basically this property doesn't exist except for tax records.

Mr. Daige thought that he recommended that Mr. Boulahanis stay in close contact with the Code Enforcement Officer and the Planning and Development Department to keep them abreast of his findings so if he did run into a snag they could work with him. He said the property is not in compliance with the City's current zoning and that was made clear to him a number of months ago.

Mr. Boulahanis said there is no proof.

Mr. Daige said as it stands now it is not in compliance.

Mr. Pizzichillo asked when was the building built.

Mr. Boulahanis answered before 1940.

Mr. Daige said the rules are the rules and the Board gave him time. He said the property is still not in compliance and he is going to have to bring the building into the current use, which is a single residence.

Mr. Boulahanis said it was his understanding that he was to research the records and then come back before the Board to discuss how they were going to handle this because he has

long term tenants there. He asked why does he have to pay \$700.00 in fines. He said that he didn't do anything.

Mr. Pizzichillo asked if he is correct that the front building is a single-family home with two (2) apartments.

Mr. Boulahanis said that is what the City says. He said it is a duplex. That is what he purchased.

Mr. Jeffries said the Property Appraiser's site states that it has two (2) buildings, both Single-Family Residential. That is what is on the record. They are not duplexes, they are two (2) separate structures on one (1) parcel.

Mr. Turner asked does this comply with the zoning code.

Mr. Jeffries answered no, but it was built before 1948. He said the Compliance Agreement that is before the Board recognizes that Mr. Boulahanis has an illegal non-conforming two (2) units on a single parcel; two (2) single-family structures, but today he would only be allowed to have one (1) single-family structure. What staff is saying is that the front structure was converted illegally without permits from a single-family structure into a duplex and it needs to be returned to a single-family structure. That is what is in the Agreement. He noted that the Agreement gives Mr. Boulahanis about two (2) and a half years to convert the building back to having just two (2) units on the property.

Mr. Daige asked would the Agreement run with the property.

Mr. Turner said the Agreement would be recorded.

Mr. Bryant asked Mr. Boulahanis if he was okay with the Compliance Agreement.

Mr. Boulahanis said that he agrees with 99% of the Agreement. It is the fines that he does not agree with. He is going to lose \$100,000.00 in value of his property and he also has to pay \$700.00 in fines. He is not happy that he is going to lose an apartment, but the rules are the rules and he has to follow them. However, it doesn't make any sense that he was being fined.

Mr. Turner explained that the Compliance Agreement is an offer to the violator to resolve this matter within a reasonable amount of time. If he doesn't want to sign the Agreement then his recommendation is that the Board proceeds with the case.

Ms. Sanderson explained that there is a \$500.00 civil penalty that was assessed based on non-compliance and the rest of the fines were costs.

Mr. Price agreed with Mr. Boulahanis that the City is making him fix this and they are also adding a fine.

Mr. Bryant asked Mr. Turner can the Board reduce the civil penalties.

Mr. Turner said the Board could reduce the \$500.00 civil penalty, but not the remaining costs.

Mr. Daige said that he understands the problem with the fine and can see reducing the \$700.00 fine in half with the willingness of Mr. Boulahanis signing the Agreement.

At this time, Mr. Turner spoke with Ms. Philo.

Mr. Turner explained to the Board that their discussion was that the Board could reduce the fine from \$500.00 to \$250.00, but they could not reduce the hard costs.

Mr. Price said that he would reduce the \$500.00 civil penalty to zero.

Mr. Bryant agreed.

Mr. Turner wanted to make it clear that if the property is sold or Mr. Boulahanis assigns his interest, etc., then the penalty and the fine would apply.

**Mr. Price moved that the Board accepts the Compliance Agreement with the stipulation that the \$500.00 civil penalty be reduced to zero and to keep the remaining costs. Mr. Daige seconded the motion and it passed unanimously.**

- d. **CASE #22-CE-12130 / 3318M**  
**VIOLATOR:** Juan Sanchez  
**VIOLATION:** Land development code violation / Brick pavers installed without approval from the City Planning and Development Department – Code Section 60.21 (b)(4)  
**VIOLATION ADDRESS:** 2336 15<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Failure to comply)**

This item was pulled from today's agenda.

- e. **CASE #22-CE-12150 / 03667J**  
**VIOLATOR:** Susan Fries Garris  
**VIOLATION:** Fence installed without Code Compliance Certification or a building permit – Code Sections 60.21 (b)(1); 22-181; 22-106 (a)  
**VIOLATION ADDRESS:** 1045 Andarella Way, Vero Beach, Florida 32963  
**(Failure to comply; Failure to pay \$50.00 civil penalty)**

This item was pulled from today's agenda.

- f. **CASE #22-CE-12180 / 3396M**  
**VIOLATOR:** Marion Ellen Fredrickson (owner) and Vero Fence Pros LLC / Peter J. Franchville (agent)  
**VIOLATION:** Land development violation / Fence and pergola installed without approval from the City of Vero Beach or a building permit from the Indian River County Building Department – Code Section 60.21 (b)(1)  
**VIOLATION ADDRESS:** 919 Tropic Drive, Vero Beach, Florida 32963  
**(Failure to comply)**

Ms. Sanderson reported that service of the citation was provided by certified mail and property posting. A Code Compliance Certification was submitted on March 9, 2022, and on March 23, 2022, additional information was requested by the Planning and Development Department. The additional information was not provided. She met with Mr. Franchville yesterday and explained to him that there were items that he needed to address with the Planning and Development Department, so he is in the process. She said this case is before the Board today to try to work out a time frame for compliance. She then showed on the screen the comments that were sent to Mr. Franchville by the Planning and Development Department.

Mr. Peter Franchville, violator, who has been sworn in, stated that he previously built a fence that was permitted and the front gates had to come down for another project and then they just replaced the fence. That is the reason they did not apply for a permit. He said they did add the pergola. He said that he does understand what is now required and he would take care of it.

Mr. Price questioned the civil penalty.

Ms. Sanderson reported that the civil penalty has been paid.

**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 \$100.00 per day shall commence on the original compliance date of March 14, 2022, until corrected, and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.**

- g. CASE #22-CE-12235 / 3454M**  
**VIOLATOR:** Brent's Tree Service and Landscape Design LLC, Brent Oliver (agent) / Stephen M. and Charlotte Higgins (owners)  
**VIOLATION:** Land development code violation / Fence installed without approval from the Vero Beach Planning and Development Department or a building permit from the Indian River County Building Department – Code Sections 60.21 (b)(1); 22-181; 22-106  
**VIOLATION ADDRESS:** 2423 Cordova Avenue, 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.

Mr. Brent Oliver, violator, who has been sworn in, said that he wanted to pay the civil penalty and get everything resolved. He reported that Mr. Jose Rodriguez was the General Contractor for the company and he assumed that Mr. Rodriguez filed the permits.

Mr. Daige asked who was going to pull the permit for the fence.

Mr. Oliver answered Mr. Rodriguez.

Mr. Daige asked what is the timeframe to get a fence permit.

Mr. Oliver said that he is going to get this resolved immediately.

Ms. Sanderson reported that the paperwork is currently in the Planning and Development Department.

Mr. Bryant suggested that the Board allow 60-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 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 March 30, 2022, until corrected, and to pay initial civil penalty of \$50.**

Ms. Sanderson reported that there are enforcement costs of \$70.94.

**Mr. Price included in his motion to pay the enforcement costs of \$70.94. Mr. Pizzichillo seconded the motion and it passed unanimously.**

- h. CASE #22-CE-12341 / 3458M**  
**VIOLATOR:** Brent's Tree Service and Landscape Design LLC / Brent A. Oliver (agent) / Stephen M. and Charlotte Higgins (owners)  
**VIOLATION:** Land development code violation / aluminum patio covering installed without approval from the Vero Beach Planning and Development Department or a building permit from the Indian River County Building Department – Code Sections 60.21 (b)(1); 22-181; 22-106  
**VIOLATION ADDRESS:** 2423 Cordova Avenue, Vero Beach, Florida 32960  
**(Failure to comply; Failure to pay \$50.00 civil penalty)**

Ms. Sanderson 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 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 March 30, 2022, and to pay the initial civil penalty of \$50.00.

Mr. Daige asked who put up the structure.

Mr. Brent Oliver, violator, who has been sworn in, reported that he subbed it out. He said that he assumed the General Contractor filed the permits, but he didn't.

Mr. Daige recommended that Mr. Oliver check with the Indian River County Building Department to be sure all permits are issued.

Ms. Sanderson said to protect the property owner's interest she would recommend 90-days to comply.

Mr. Bryant recommended that the Board allows 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 March 30, 2022, until corrected, and to pay the initial civil penalty of \$50.00. Mr. Daige seconded the motion and it passed unanimously.

- i. **CASE #22-CE-12342 / 3459M**  
**VIOLATOR:** Brent's Tree Service and Landscape Design LLC / Brent A. Oliver (agent) / Stephen M. and Charlotte Higgins (owners)  
**VIOLATION:** Land development code violation / outdoor shower installed without approval from the City of Vero Beach or a building permit from the Indian River County Building Department – Code Sections 60.21 (b)(1); 22-181; 22-106  
**VIOLATION ADDRESS:** 2423 Cordova Avenue, Vero Beach, Florida 32960  
**(Failure to comply; Failure to pay \$50.00 civil penalty)**

Ms. Sanderson 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 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 March 30, 2022, and to pay the initial civil penalty of \$50.00.

Mr. Oliver said that he did not know exactly what the violation was for. He asked was it for the shower. He noted that they did not do any plumbing. The plumbing was already there. They just added something decorative.

Ms. Sanderson said that she just spoke with the homeowner who said that she is going to follow up with the Building Department. She asked that the Board allows time to comply and if no permit is required the citation will be withdrawn.

**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 March 30, 2022, until corrected, and to pay the initial civil penalty of \$50.00. Mr. Pizzichillo seconded the motion and it passed unanimously.**

- j. **CASE #22-CE-12343 / 3460M**  
**VIOLATOR:** Brent's Tree Service and Landscape Design LLC / Brent A. Oliver (agent) / Stephen M. and Charlotte Higgins (owners)  
**VIOLATION:** Land development code violation / basketball court installed without approval from the City of Vero Beach Planning and Development Department– Code Sections 60.21 (b)(1)  
**VIOLATION ADDRESS:** 2423 Cordova Avenue, Vero Beach, Florida 32960  
**(Failure to comply; Failure to pay \$50.00 civil penalty)**

Ms. Sanderson reported that the homeowner just verified that there was no basketball court there so she was withdrawing the citation.

- k. CASE #22-CE-12256 / 3429M**  
**VIOLATOR:** Albert S. Lowe IV and Cara B. Lowe (owners) and Sunrise City Concrete Services, Inc. / Roderick Waller (agent)  
**VIOLATION:** Land development code violation / Fence and canopy installed without approval from the City of Vero Beach or building permits from the Indian River County Building Department – Code Section 60.21 (b)(1)  
**VIOLATION ADDRESS:** 328 Indian Lilac Road, Vero Beach, Florida 32963  
**(Failure to comply; Failure to pay \$50.00 civil penalty)**

Ms. Sanderson reported that Code Compliance Certification was submitted on March 16, 2022, and additional information was requested by the Planning and Development Department on March 23, 2022. A permit was applied for, however it is still in apply status. She met with Mr. Lowe and they think they have a plan going forward. 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 30-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 April 7, 2022, until corrected and to pay enforcement costs of \$52.40 and the initial civil penalty of \$50.00.

**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 30-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 April 7, 2022, until corrected, and to pay the initial civil penalty of \$50.00 and enforcement costs of \$52.40. Mr. Pizzichillo seconded the motion and it passed unanimously.**

- l. CASE #22-CE-12275 / 0435J**  
**VIOLATOR:** Maria and Ann Malecki  
**VIOLATION:** Private wastewater disposal system violation – Code Section 78-83 (a)(4)  
**VIOLATION ADDRESS:** 1415 35<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Failure to pay \$50.00 civil penalty)**

This item was pulled from today's agenda.

- m. CASE #22-CE-12279 / 0436J**  
**VIOLATOR:** Barclay Fiske Tuck and Danielle Gahn  
**VIOLATION:** Private wastewater disposal system violation – Code Section 78-83 (a)(4)  
**VIOLATION ADDRESS:** 1416 34<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Failure to pay \$50.00 civil penalty)**

This item was pulled from today's agenda.

- n. CASE #22-CE-12306 / 0444J**  
**VIOLATOR:** Rafael and Matilde Soriano

**VIOLATION:** Private wastewater disposal system violation – Code Section 78-83 (a)(4)

**VIOLATION ADDRESS:** 1432 27<sup>th</sup> Avenue, Vero Beach, Florida 32960

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

Ms. McGee reported that the property is in compliance and the civil penalty remains unpaid.

Mr. Rafael Soriano, violator, who has been sworn in, asked what is the reason for the \$50 civil penalty. He said that he pumped out the septic tank.

Ms. McGee reported that a warning citation was sent on March 2, 2022, which gave him four (4) weeks to comply. There was no contact from the property owner so a citation was issued on March 20, 2022. The property was found in compliance on May 5, 2022.

Mr. Soriano said that he was on the waiting list with Reliable Septic.

Mr. Price explained that he was sent a warning and he did not contact the Code Enforcement Officer to let her know that he was on a waiting list so he was sent a citation with a penalty, which needs to be paid.

Mr. Daige asked Ms. McGee when she receives notification from the Water and Sewer Department that tanks are not inspected, does she tag the house with a note on the door that there is a situation with the septic tank and that they need to contact the City.

Mr. McGee reported that the warning is sent by mail. She noted that the citation was hand delivered to Mr. Soriano and he stated that he would have the tank pumped.

Mr. Price explained that this could have been worked out if he had advised the City that he was on a waiting list.

Mr. Soriano said in 30-years this is the first time he has been told about this. He said that he pumped the tank two (2) years ago and now he has pumped it again.

Ms. McGee said the Water and Sewer Department sent out a notice on January, 2021, to advise everyone if they had their tank pumped that they would need to submit their inspection report.

Mr. Soriano asked the Board for mercy. He said that he did comply and that he would need to wait for his Social Security check before he could pay the penalty.

Mr. Daige said the Board could allow more time to pay the penalty.

Mr. Price suggested reducing the penalty.

Mr. Daige said it is very difficult, but many of these cases are going to come up. He felt they would be setting precedence because it clearly states that it is a correctable violation.

Mr. Price did not think they were setting precedence by allowing one (1) person to not pay the fine. He said they could reduce the fine to zero.

Mr. Turner said they could suspend the fine.

The Board agreed.

**Mr. Price moved that the Board finds that there was a violation, that the violation has been corrected, and that the Board suspends the fine of \$50.00. Mr. Daige seconded the motion and it passed unanimously.**

- o. CASE #22-CE-12311 / 0448J**  
**VIOLATOR:** Judy Davis and Joanna Fallin  
**VIOLATION:** Private wastewater disposal system violation – Code Section 78-83 (a)(4)  
**VIOLATION ADDRESS:** 1435 27<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Failure to pay \$50.00 civil penalty)**

This item was pulled from today's agenda.

- p. CASE #22-CE-12316 / 3443M**  
**VIOLATOR:** J R Apartment Rentals, Inc. / Janet K. Reed (agent)  
**VIOLATION:** Code Compliance Certification required and building permit required for ramp installed and for washer and dryer installed – Code Section 60.21 (b)(1)  
**VIOLATION ADDRESS:** 2066 39<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Failure to comply)**

Ms. Sanderson reported that service of the citation was provided by certified mail. A Code Compliance Certification was approved on March 23, 2022. They are currently in the inspection process. They had two (2) inspections today that had a hiccup. She reported that the civil penalty has been paid. She requested that the Board finds there is a violation, that the violation is in the process of being corrected, and that the Board allows 30-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 March 17, 2022, until corrected.

Mr. Bryant suggested that the Board allows 45-days to come into compliance.

Mr. Pizzichillo agreed.

Mr. Glen Reed, violator, who has been sworn in, said they would get this resolved.

Mr. Daige asked to see a photograph.

Ms. Sanderson showed on the screen a photograph of the washer and dryer.

Mr. Daige questioned so the City's Code allows a washer and dryer outside without a cover.

Ms. Sanderson said that is the reason for the Code Compliance Certification and the Planning and Development Director would advise them of the Code.

Mr. Daige asked what is the Code.

Ms. Sanderson said that she did not know.

Mr. Daige said that he would like to know if it is in the Code that the washer and dryer has to be enclosed. He asked if Mr. Jeffries could answer his question.

At this time, Ms. Sanderson called Mr. Jeffries and asked that he come back to today's meeting.

Mr. Pizzichillo asked where does the effluent go.

Mr. Reed said it currently discharges directly into the yard. The plumbing contractor has tied it into the sewer line, but it has not passed inspected yet.

Mr. Daige said in looking at the picture, there is a unit outside with electric and the appliances are not waterproof. He said the appliances are not under cover and if it rains someone could get electrocuted. He asked was a permit pulled for the electric.

Mr. Reed reported that the meters were replaced in January, 2021 and an electrical permit was pulled for that and they were inspected. At that time the inspector went into the units and signed off on it. He noted that the washer and dryers were in place.

Mr. Daige said the inspector inspected the panel work on the inside, but he was not hearing that inspection was done for the outlets on the outside for the washer and dryer.

At this time, Mr. Jeffries entered the meeting.

Mr. Daige asked Mr. Jeffries are washers and dryers permitted outside in the elements without being in an enclosure.

Mr. Jeffries said that he was not aware of a Code for single-family dwellings.

Mr. Daige said then if he is hearing this correctly, the City does not have a Code that requires washers and dryers to be in an enclosure. He said the photograph shows that they were outside under an overhang, but not completely under an overhang so for the most part they are completely exposed. His concern is that someone could get electrocuted. He said if this is allowed in the City then he needs to know.

Mr. Jeffries asked has this been inspected.

Mr. Reed thought that Mr. Daige was making the assumption that the washer and dryer was plugged in outside. However, the plug is located in the utility room behind the washer and dryer. When the inspector came for the panels, the 220 hookup inside the utility room was there, which was adjacent to the panel. He reported that there has been a washer and dryer there for six (6) years.

Ms. Sanderson asked did the utility room have a washer and dryer in it earlier.

Mr. Reed said that is a utility room where a washer and dryer would go. He said there used to be a separate washer and dryer there and he thought that this tenant purchased a stackable washer and dryer to have it in the utility room, but it is too big to fit.

Mr. Daige said it states on the citation that permits must be obtained for the washer and dryer installed outside the unit. He asked were permits issued.

Mr. Reed said permits were issued for the electric.

Ms. Sanderson said the permit was for the discharge of the grey water.

Mr. Jeffries said that Chapter 64.10 of the Code requires that all businesses and services are to be located inside. However, this is a residential unit so he would say that it does not apply to this situation.

**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 45-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 March 17, 2022, until corrected, and that the initial civil penalty has been paid.**

Ms. Sanderson asked is it possible that they could work with them to get a smaller unit or to find a way to have a structure to be able to have a washer and dryer.

Mr. Reed did not think they could have another structure. He said that he would speak with the tenants to let them know that something needs to be done and that maybe they would need a laundry service or a smaller stackable unit.

Ms. Sanderson asked the Board to allow additional time so the tenants could try to change out to a smaller unit that would fit in the utility room.

Mr. Daige said because of the information given today, he was okay with allowing more time.

Mr. Jeffries said they really should not be outdoors and exposed to the elements, but it is safe to have them on a porch or under a roof.

**Mr. Price amended his the motion to allow 90-days to comply instead of 45 days. Mr. Daige seconded the motion and it passed unanimously.**

- q. **CASE #22-CE-12325 / 3448M**  
**VIOLATOR:** Dayton Dandies Inc. / What a Tavern and Deli / Robert Kost (agent)  
**VIOLATION:** Land development code violation / new gravel on the west side of the building requires approval from the Vero Beach Planning and Development Department – Code Section 60.21 (b)(1)  
**VIOLATION ADDRESS:** 58 Royal Palm Pointe, Vero Beach, Florida 32960  
**(Failure to comply)**

This item was pulled from today's agenda.

- r. **CASE #22-CE-12360 / 3315M**  
**VIOLATOR:** Ralph W. Rotermund and Dunlap Construction LLC / Robert A. Dunlap III (agent)

**VIOLATION:** Land development code violation / Palm tree removed without a permit for the City of Vero Beach Planning and Development Department – Code Section 60.21 (b)(5)  
**VIOLATION ADDRESS:** 766 Fiddlewood Road, Vero Beach, Florida 32963  
**(Failure to comply; Failure to pay \$300.00 civil penalty)**

Ms. Sanderson reported that service of the citation was provided by certified mail. A permit was obtained yesterday. She requested that the Board finds 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 for not having a permit, to pay the \$250.00 for the Palm Tree and enforcement costs of \$41.07.

**Mr. Price moved that the Board finds that there was a violation, that the violation has been corrected, that the Board issues a Board order to pay the initial civil penalty of \$50.00, \$250 for the tree and costs of enforcement of \$41.07. Mr. Pizzichillo seconded the motion and it passed unanimously.**

- s. **CASE #22-CE-12385 / 0446J – Repeat violation**  
**VIOLATOR:** Iheonu Oriaku  
**VIOLATION:** Failure to follow erosion control plan and trackout on street – Code Section 73.33 (f)(2)  
**VIOLATION ADDRESS:** 518 Tulip Lane, Vero Beach, Florida 32963  
**(Failure to comply; Failure to pay \$100.00 civil penalty)**

Ms. McGee reported that the property was brought into compliance after receiving the Notice of Hearing. The civil penalty has not been paid.

**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 penalty of \$100.00. Mr. Daige seconded the motion and it passed unanimously.**

- t. **CASE #21-CE-12046 / 3357M**  
**VIOLATOR:** Riomar Cove Homeowners Association, Inc. / Robert Lewis (agent)  
**VIOLATION:** Failure to maintain stormwater management structures and stormwater mitigation measures in the River Cove Lane community – Code Section 73.28  
**VIOLATION ADDRESS:** Riomar Cove Lane, Vero Beach, Florida  
**(Failure to comply; Failure to pay \$50.00 civil penalty)**

This item was pulled from today's agenda.

**6. OLD BUSINESS**

None

**7. NEW BUSINESS**

**A) Ms. Mary Lou Calhoun to discuss and provide information to the Board  
(no action to be taken by the Board)**

This item was pulled from today's agenda.

**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 4:04 p.m.

/sp