

CODE ENFORCEMENT BOARD MINUTES
Wednesday, July 13, 2022 – 1:30 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Eric Price; Vice Chairman, Linda Hillman; Members: Christopher Bryant and Ken Daige **Also Present:** Code Enforcement Officer, Melody Sanderson; Code Enforcement Officer, Jamila McGee; Indian River County Licensing Inspector, David Checchi; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

Excused Absences: Frank Pizzichillo and Stephen McDonald

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. June 8, 2022

Mr. Price made a motion to adopt the minutes of the June 8, 2022 Code Enforcement Board meeting. Mrs. Hillman seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Ms. Melody Sanderson, Code Enforcement Officer, who has been sworn in, pulled from today's agenda Case #22-CE-12594 – Empire J. Properties LLC /Rita Jackman, Agent, Case #22-CE-12597 - Empire J. Properties LLC /Rita Jackman, Agent, Case #22-CE-12599 - Empire J. Properties LLC /Rita Jackman, Agent, and Case #22-CE-12601 - Empire J. Properties LLC /Rita Jackman, Agent. She reported that she spoke with the realtor who is representing an out of state investor and told her that she would hold these cases for 30-days to give them a little more time to come into compliance.

Ms. Jamila McGee, Code Enforcement Officer, who has been sworn in, pulled from today's agenda Case #22-CE-12493 – Jack and Kathleen T. Harris and Case #22-CE-12499 – Michael T. Merrill. She reported that both properties were brought into compliance after receiving the Notice of Hearing. She then pulled from today's agenda Case #22-CE-12540 – Patricia C. Scott. 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.

4. UNLICENSED CONTRACTORS/CITATIONS

None

5. EVIDENTIARY HEARINGS

A) Citation Appeals

None

B) Non-Compliance / Compliance Reports

1. Request for Board Order

a. 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 32963

(Failure to comply)(Paid civil penalty and costs)

Case continued from the June 8, 2022 Code Enforcement Board Hearing.

Ms. Sanderson reported that the Board continued this case from last month's meeting in order to allow the property owner to be present.

Mr. Robert Lewis, President of the Riomar Cove Homeowners Association, who has been sworn in, said that he owns three (3) of the lots in Riomar Cove. He said that he applied for a permit last year on one (1) of the lots that he owns and at that time he was advised about the ditches. He said that it was his understanding that one (1) of the property owners filled in their ditch. He said the system was designed for seven (7) lots and only three (3) houses have been built so the system currently should be more than adequate. He said they have been diligently trying to come to a resolution. He felt that they were about 95% there.

Mr. Price asked how much time he thought would be needed to come into compliance.

Mr. Lewis thought that it would take about six (6) months.

Mrs. Danessa Chambers, Assistant City Engineer, who has been sworn in, explained that the City is looking for rectification on the lots that are not currently under construction. She said the ditches that were not intentionally filled demonstrated a lack of maintenance and there were also some ditches that were completely filled in and planted. She reported that the City is not requiring them to pull a permit for minor modifications, such as the trees. They are asking them to meet the intent as best as possible. She said during the hearing last month it was her recommendation that they allow six (6) months to comply, which would now be five (5) months to comply.

Mr. Price moved that the Board finds that there is a violation, the violation continues, and that the Board issues a Board order to correct the violation within 160-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, 2021, until corrected, and that the initial civil penalty and costs of enforcement have been paid. Mrs. Hillman seconded the motion and it passed unanimously.

- b. **CASE #22-CE-12325 / 3448M**
VIOLATOR: Dayton Dandies Inc. / What a Tavern & Deli / Robert Kost, Agent
VIOLATION: Land development Code violation / new gravel area requires approval from the Vero Beach Planning Department – Code Section 60-21 (b)(1)
VIOLATION ADDRESS: 58 Royal Palm Pointe, Vero Beach, Florida 32960
(Failure to comply)

Ms. Sanderson reported that service of the citation was provided by certified mail. She reported 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 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 4, 2022, until corrected and to pay enforcement costs of \$42.42.

Mr. Daniel Spencer, Property Manager, who has been sworn in, reported that he submitted a site plan on June 10, 2022, and received the City's response yesterday.

Mr. Price asked Mr. Spencer if he felt that 30-days was enough time to come into compliance.

Mr. Spencer said it might take more time because the site plan is very involved.

Ms. Sanderson reported that Mrs. Chambers just told her that she felt everything could be accomplished within 90-days.

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 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 April 4, 2022, until corrected and to pay enforcement costs of \$42.42. Mrs. Hillman seconded the motion and it passed unanimously.

- c. **CASE #22-CE-12574 / 0558J**
VIOLATOR: Treasure Coast Commercial Holdings, LLC / Mark Titone, Manager
VIOLATION: Site Plan violation – Code Section 64.10 (c)(4)(c)
VIOLATION ADDRESS: 1285 16th Street, Vero Beach, Florida 32960
(Failure to pay \$50.00 civil penalty)

Ms. McGee 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, that the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$ 50.00. Mr. Daige seconded the motion and it passed unanimously.

- d. **CASE #22-CE-12422 / 3343M**
VIOLATOR: Christopher R. Ryan, Owner and Tropical Hardscapes LLC, Henry Maragh, Agent

VIOLATION: Land Development Code violation / retaining wall installed without approval from the Vero Beach Planning Department – Code Section 60.21 (b)(1)

VIOLATION ADDRESS: 95 Cache Cay Drive, Vero Beach, Florida 32963

(Failure to comply)

Ms. Sanderson reported that service of the citation was provided by certified mail and by property posting. The civil penalty has been paid.

Mr. Henry Maragh, of Tropical Hardscapes LLC, who has been sworn in, introduced himself to the Board.

Mr. Christopher Ryan, property owner, who has been sworn in, said this goes back to the beginning of the year when he figured out that he needed a retaining wall behind the house that he was building. He said that he spoke with three (3) hardscape contractors and they all told him that they could build the wall and that a permit was not needed. The wall was built in April and at the end of April he received notification from the City that a permit was needed. He said that Mr. Maragh confirmed that he was not licensed for that type of work. Mr. Ryan said that they started working with the Public Works Department and filed for an amended drainage plan for the site. He said they have gone through three (3) submittals with the Public Works Department and addressed the City's final comments in the last few days. As he understands the process, he needs the City's approval before they can file for a permit with Indian River County. He said they are taking this seriously and are proceeding as rapidly as possible to get this taken care of.

Mr. Price asked Mr. Ryan how much time he thought was needed to come into compliance.

Mr. Ryan said they have responded to every set of comments from the City within two (2) days. They have had the survey completed. He said they need the drainage plan approved and then they can apply for a permit from Indian River County. He said that he didn't know how long it would take to receive a permit from Indian River County.

Mrs. Hillman asked Mr. Checchi if he knew how long it would take to receive a permit.

Mr. David Checchi, Indian River County Licensing Inspector, who has been sworn in, said that he could not speculate on the timeframe.

Mrs. Chambers said they have gone back and forth with three (3) submittals and responses between May 24th and July 7th. She anticipated that the City would be done within the next few weeks.

Mr. Daige asked if 90-days would be enough time to get all the paperwork done.

Mr. Bryant said that he is comfortable with allowing 90-days.

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 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 May 19, 2022, until corrected and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

VIOLATOR: Anthony and Erica Ororato

VIOLATION: Land Development Code violation / canopy and electric installed without approval from the Vero Beach Planning Department or permits from the Indian River County Building Department – Code Section 60.21 (b)(1)

VIOLATION ADDRESS: 2446 17th Avenue, Vero Beach, Florida 32960

(Failure to comply)

Ms. Sanderson reported that service of the citation was provided by certified mail. She reported that the citation was for a canopy and electric added to an existing shed. She said pergola has since been added that would also need Code Compliance Certification and a permit. She said the electric was removed, however it was removed without a permit. The civil penalty has been paid and a Code Compliance Certification was issued on May 23, 2022. However, no permit has been applied for.

Mr. Anthony Ororato, property owner, who has been sworn in, stated that he paid the civil penalty on May 6th and went to the Planning Department to get the paperwork needed. He paid the fee and turned in the paperwork on May 23rd. He was going to go to the Indian River County Building Department for the permit, however he became very ill. He said that his intention is to go to the Indian River County Building Department to get his permit and get this cleared up.

Mr. Daige asked to see photographs of the property.

Ms. Sanderson submitted into the record photographs of the property (Exhibit A).

Mr. Daige asked what would be a reasonable amount of time to come into compliance.

Ms. Sanderson suggested that they allow 60-days to get the permit.

Mr. Daige suggested that they allow 90-days.

Ms. Sanderson agreed.

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 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 May 13, 2022, until corrected and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

f. **CASE #22-CE-12438 / 0478J**

VIOLATOR: Pewel Chabowski

VIOLATION: Land Development violation / structure being built without approval from the Vero Beach Planning Department or a building permit from the Indian River County Building Department – Code Sections 60.21 (b)(1); 22-181; 22-106

VIOLATION ADDRESS: 1905 19th Street, Vero Beach, Florida 32960

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

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

Mr. Daige asked to see photographs of the property.

Ms. McGee submitted into the record photographs of the property (Exhibit A).

Mr. Peter Chabowski, property owner, who has been sworn in, said that he was not aware that he needed a permit because there was previously a structure there that he took down and basically started rebuilding it. He said that he plans to take this structure down at the end of the month and asked the Board that they allow him that much time to come into compliance.

Mr. Daige asked is a demolition permit required.

Mr. Checchi suggested that Mr. Chabowski speak with the Indian River County Building Department to see if a demolition permit is required.

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 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 May 10, 2022, until corrected and that the initial civil penalty of \$50.00 has been paid. Mrs. Hillman seconded the motion and it passed unanimously.

- g. CASE #22-CE-12493 / 0531J**
VIOLATOR: Jack D. and Kathleen T. Harris
VIOLATION: Fence installed without Code Compliance Certification from the Vero Beach Planning Department or a building permit from the Indian River County Building Department – Code Sections 60.21 (b)(1); 22-181; 22-106 (a)
VIOLATION ADDRESS: 1855 19th Avenue, Vero Beach, Florida 32960
(Failure to comply)

This item was pulled from today's agenda.

- h. CASE #22-CE-12499 / 0550J**
VIOLATOR: Michael T. Merrill
VIOLATION: Private wastewater disposal system violation – Code Section 78-83 (a)(4)
VIOLATION ADDRESS: 1505 35th Avenue, Vero Beach, Florida 32960
(Failure to comply)

This item was removed from today's agenda.

- i. CASE #22-CE-12540 / 0541J**
VIOLATOR: Patricia C. Scott
VIOLATION: Land development code violation / fence installed without Code Compliance Certification from the Vero Beach Planning Department or a permit from the Indian River County Building Department – Code Section 60.21 (b)(1)
VIOLATION ADDRESS: 1820 Lemon Avenue, Vero Beach Florida 32963

(Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- j. CASE #22-CE-12533 / 3388M**
VIOLATOR: Scott Nuttall & Associates PA, Owner and Art-Kraft Sign Company, Inc / Donald Reilly, Agent
VIOLATION: Sign violation - Code Section 60.21 (b)(8)
VIOLATION ADDRESS: 5055 Highway A1A, 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 reported that the civil penalty has not been paid. She noted that Mr. Scott Nuttall is present today, as well and Mr. Jason Jeffries.

The City Clerk swore in Mr. Scott Nuttall.

Mr. Scott Nuttall, who has been sworn in, stated that he owns a CPA Firm located at this property. He submitted into evidence a package containing photographs of the property, a copy of the site plan, and City of Vero Beach Code Sections 38.03 and 38.04 (Exhibit A). He apologized to the Board for taking so long to address this. He said this started back in May, however he was out of town in May and June. He had contractors involved that he thought was going to handle this issue, however there was some discourse in the process. He said the photograph submitted shows the building as it exists and the signs in question. He said these signs are directional signs, not advertising. It was his intention to get the traffic off of A1A to the back of his property. He said the last two (2) pages that consists of the City's Code, which under Section 38.03 of the Code does provide for an exemption for safety signs. He felt there was a strong case for these signs and the placement of where they are located, which was in the right-of-way, but they are allowed under this section of the City's Code.

Mr. Price said that he would need approval for these signs and he was not sure that they would count as being directional signs.

Ms. Sanderson clarified that the violation cited was under Code Section 60.21, which is for a sign without City approval. She said that she did not get into Code Section 38.

Mr. Nuttall asked Ms. Sanderson for clarification, was reference made to Code Section 38.

Ms. Sanderson answered not by her.

Mr. Nuttall said the citation under the facts constituting the violation does reference Code Section 38.

Ms. Sanderson read into the record from the citation, under Code Section 60.21 (b)(8), *"install, create, erect, alter, or maintain any sign without first obtaining the appropriate sign permits and approvals pursuant to Chapter 38, Article I, Signs, and complying with their terms and conditions. Parking and wall sign installed without approval from the City of Vero Beach."*

Mr. Nuttall said with the documentation that he provided, these directional signs are exempt from getting that permitting approval.

At this time, the Deputy City Clerk swore in Mr. Jason Jeffries, Planning Director.

Mr. Jason Jeffries, who has been sworn in, read into the record Code Section 38.03 (b)(7) – Compliance Required and Exemptions, *“Traffic control signs in public right-of-way or private parking lots where there is found to be a compelling governmental interest in the erection and maintenance of these signs in order to protect the physical safety of the public and prevent property damage. Such signs shall not be larger than reasonably necessary to adequately guide and warn the public and emergency responders.”* He said that is essentially Florida Department of Transportation (FDOT) signs. He noted that 50% of these signs were taken up by the company logo, which by the City Code that is an advertising sign and only one (1) free standing sign is allowed per right-of-way. He said with this property they could have had two (2) signs, but they never received the sign permits. Also, the signs were erected in the public right-of-way, which is prohibited by the City Code. He said the signs would need to be removed from the right-of-way.

Mr. John Turner, City Attorney, said that he doesn't see this as a matter for an evidentiary hearing. He asked was this case set for a hearing or set for compliance.

Mr. Price said it was set for compliance.

Mr. Price said it looks like the resolution to come into compliance would be to get a permit for one (1) of the signs and to move it onto the property and off of the right-of-way.

Mr. Nuttall asked to clarify their interpretation of Code Section 38 that directional signs cannot be in the right-of-way. He said that he sent photographs to the City of entrance signs, etc., that were located in the right-of-way. He said the problem with his property is that it is so large that the sign would have to be placed 25-feet back from the right-of-way and having a sign back that far would be of no value because no one is going to see it.

Mrs. Chambers explained that typically in a right-of-way, the City does their best to stick to the federal standard, which is signage that conveys a clear message to road users. The City does not allow any private signage within the right-of-ways. She referred to the photographs forwarded to the City by Mr. Nuttall and reported that the City is currently staking the right-of-ways. If they find that the signs are in the right-of-way without a permit, they would then be under Code Enforcement. She reported that the Public Work's Director met the property owner on site yesterday and it was his professional opinion that these signs were not safety signs, but solely for the benefit of a private property and they should not be in the right-of-way.

Mr. Nuttall felt that there was a public safety issue in terms of navigating the corner off of A1A. He said that he is not looking to have an advertising sign. He said that he would make the signs smaller and that he was willing to sign a waiver that he would remove the signs if it ever became an issue, etc.

Mr. Jeffries reported that he was also on the property when the Public Works Director met with Mr. Nuttall and they showed him where the signs could be placed.

Mr. Price questioned the other areas that had these signs in the right-of-way.

Mr. Jeffries reported that Mr. Nuttall forwarded several examples to him and, the City is staking these properties and if it is determined that the signs are in the right-of-way then the City would begin Code Enforcement action.

Mr. Price asked are there any recommendations other than placing the signs on the property.

Mr. Jeffries said the only option is to place the signs further back at the property line.

Mr. Bryant asked is there a Code for FDOT signage.

Mrs. Chambers said it is an entire manual that goes through every type of sign option. She noted that if there was a true demonstrated safety issue, that would go through the Public Works Department because it is their responsibility to maintain the safety of the public within the right-of-way and they would install signage to address whatever the demonstrated safety issue was.

Mr. Jeffries noted that under Mr. Nuttall's interpretation, he does have the right to challenge the interpretation of the Planning Director, which he would have to file an appeal of the decision with the Planning Department, which would then go before the Planning and Zoning Board.

Mr. Price asked are the signs cemented in.

Mr. Nuttall answered no. He said they are very flimsy.

Mr. Price said it doesn't sound that he would need much time to come into compliance.

Ms. Sanderson suggested that they allow seven (7) days from the date of the Board order to come into compliance.

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 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 June 7, 2022, until corrected and to pay the initial civil penalty of \$50.00. Mr. Daige seconded the motion and it passed 3-1 with Mr. Bryant voting no.

- k. CASE #22-CE-12554 / 3395M**
VIOLATOR: Asian Fusion Sushi & Eatery / Dan Chau
VIOLATION: Failure to obtain Business Tax Receipt from the Vero Beach Planning Department – Code Section 70-62
VIOLATION ADDRESS: 4807 Highway A1A, Vero Beach, Florida 32963
(Failure to comply; Failure to pay \$50.00 civil penalty)

Ms. Sanderson reported that service was provided by property posting. The civil penalty has not 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 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 June 10, 2022, until corrected and to pay the initial civil penalty of \$50.00.

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 \$50.00 per day shall commence on the original compliance date of June 10, 2022, until corrected and to pay the initial civil penalty of \$50.00. Mr. Daige seconded the motion and it passed unanimously.

- l. CASE #22-CE-12557 / 3398M – Repeat Violation**

VIOLATOR: Land Trust Service Corporation / LC Wade,
Agent

VIOLATION: Vehicle restrictions and right-of-way violation
– Code Section 74-82 (c)(2)

VIOLATION ADDRESS: 2446 18th Avenue, Vero Beach,
Florida 32960

(Failure to pay \$100.00 civil penalty)

Ms. Sanderson reported that service of the citation was provided by certified mail. The civil penalty has not been paid and the property is in compliance. She asked that the Board finds that there was a violation, the violation has been corrected and to issue a Board order to pay the initial civil penalty of \$100.00.

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 \$100.00 civil penalty. Mrs. Hillman seconded the motion and it passed unanimously.

m. CASE #22-CE-12590 / 3415M

VIOLATOR: Edgar Valdes

VIOLATION: Public nuisance / couch in front yard – Code
Section 38-31 (b)(5)

VIOLATION ADDRESS: 2175 33rd 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 property posting. The violation has not been corrected and the civil penalty remains unpaid. 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 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 June 22, 2022, until corrected and to pay the initial civil penalty of \$50.00.

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 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 June 22, 2022, until corrected and to pay the initial civil penalty of \$50.00. Mr. Daige seconded the motion and it passed unanimously.

n. CASE #22-CE-12594 / 3409M

VIOLATOR: Empire J. Properties LLC / Rita Jackman, Agent

VIOLATION: Land Development Code violation / swimming
pool installed without approval from the City of Vero Beach or
a permit from the Indian River County Building Department /
pool safety fence also needs to be installed – Code Sections 60-
21 (b)(13); 454.2.1

VIOLATION ADDRESS: 2332 20th Avenue, Vero Beach,
Florida 32960

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

This item was pulled from today's agenda.

o. CASE #22-CE-12597 / 3412M

VIOLATOR: Empire J. Properties LLC / Rita Jackman, Agent
VIOLATION: Land development code violation – windows installed without a permit from the Indian River County Building Department - Code Section 60.21 (b)(1)
VIOLATION ADDRESS: 2332 20th Avenue, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- p. **CASE #22-CE-12599 / 3413M**
VIOLATOR: Empire J. Properties LLC / Rita Jackman, Agent
VIOLATION: Land development code violation – electric panel installed without a permit from the Indian River County Building Department – Code Section 60.21 (b)(1)
VIOLATION ADDRESS: 2332 20th Avenue, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- q. **CASE #20-CE-12601 / 3414M**
VIOLATOR: Empire J. Properties LLC / Rita Jackman, Agent
VIOLATION: Land Development Code violation / carport demolished without a permit from the Indian River County Building Department – Code Section 60.21 (b)(1)
VIOLATION ADDRESS: 2332 20th Avenue, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- r. **CASE #20-CE-10955 / 2988M**
VIOLATOR: Florida Irish American Society, Inc. / Winnie Thompson, Agent
VIOLATION: Trailer does not have a Temporary Use Permit and permits required for electric and water to the trailer from the Indian River County Building Department – Code Sections 64.12; 22-181; 22-106 (a)(b)(c)
VIOLATION ADDRESS: 1314 20th Street, Vero Beach, Florida 32960
(Request from Code Enforcement Officer to find in compliance on May 28, 2022 and to cease the continuing penalties. The initial civil penalty of \$50.00 has been paid.)

Ms. Sanderson reported that the property was found in compliance on May 28, 2022. She asked that the Board finds the property in compliance and to cease the continuing penalties.

Ms. Jessica Francis, who has been sworn in, said that she is a friend.

Mr. Price explained that she was not allowed to speak on his behalf.

Mr. Derek Thompson, Manager of the Irish American Club, who has been sworn in, said it was their understanding that they were to cease and desist the use of the food trailer. He said

they removed the food trailer and paid the civil penalty. He said that they called the Code Enforcement Officer and left a message for her because they were told that she was on vacation. He said that he had not heard anything since. He was then informed by the Police Chief that they owed the City a lot of money. He said that he didn't know how that was possible because they removed the trailer and turned off the power switch and removed the water line. He said that he didn't know a permit was needed to remove the electrical line. He said this was a misunderstanding because he thought that they were in compliance.

Mr. Price asked if the City was informed.

Mr. Thompson said that he left several messages to let the City know the trailer was removed. He said that he was given about two (2) months to remove the trailer and he had it removed within one (1) month.

Ms. Sanderson said the City was aware that the trailer was removed, however the problem was that a permit was required to disconnect the electric and that was conveyed.

Mr. Thompson said when they said to pull a permit he thought it was for a Temporary Use Permit so he thought they were asking him to get a permit for a trailer that they could not use.

Ms. Sanderson referred to the Code Enforcement Board order and read into the record, *"trailer does not have a Temporary Use Permit and permits required for electric and water to the trailer from the Indian River County Building Department."*

Mr. Thompson said that he completely misunderstood that.

Ms. Sanderson said this is before the Board today to find the property in compliance.

Mr. Price asked what the continuing penalties are.

Ms. Sherri Philo, Deputy City Clerk, reported that the continuing penalties are estimated at approximately \$32,700.00 (654 days times \$50.00 per day).

Mr. Bryant asked were they talking about disconnecting the power and not about the trailer.

Ms. Sanderson reported that Mr. Scott McAdam, Indian River County Building Official, determined that the power needed to be disconnected and a permit obtained, which was conveyed.

Mr. Bryant asked did they need a demolition permit to remove the power.

Ms. Sanderson said they needed an electric permit to disconnect the power and when that was done and a permit was obtained, is when she found the property in compliance.

Mr. Thompson said that he heard today that a lot of people received certified mail. He said the Irish American Club is less than a block from City Hall and they could have easily helped him by telling him what he needed to do. He said that he misunderstood.

Mr. Price said that he has other options, but not through the Board because the Board already issued a Board order. This case is before the Board to find compliance, which is all they could do at this point. He said it sounded like he needed to bring this before the City Council.

Ms. Sanderson reported that after this came before the Code Enforcement Board, there was a lot of back and forth between the Planning Department and the Irish American Club.

Mr. Price felt that Mr. Thompson should pursue this and in order to pursue this the Board needs to find the property in compliance.

Mr. Price moved that the Board finds that the property was in compliance as of May 28, 2022, and that they issue a Board order finding compliance as of May 28, 2022, ceasing continuing penalties and to pay the accrued continuing penalties and costs. Mrs. Hillman seconded the motion and it passed unanimously.

6. OLD BUSINESS

None

7. NEW BUSINESS

None

8. ADMINISTRATIVE MATTERS

None

9. CLERK'S MATTERS

None

10. ATTORNEY'S MATTERS

Mr. Turner reported that there were five (5) outstanding Code Enforcement liens on Indian River Sports Complex, which totals over \$50,000.00.

Mr. Bryant questioned is this Michael's Field.

Mr. Turner said that is correct. He said the property is owned by the City and the lease between the operator of Indian River Sports Complex and the City has been terminated. He said that Indian River Sports Complex acquired a small strip of land on one (1) of the ball fields that is surrounded by property owned by the City. To resolve and settle any claims the City has against Indian River Sports Complex, staff has agreed to recommend to the City Council that the liens be released in exchange for title of the strip of land owned by Indian River Sports Complex. He said this would be going before the City Council on Tuesday, July 19, 2022.

Mr. Daige asked is that one (1) of the properties that is protected in the City's Charter.

Mr. Turner did not think it was. He reported that there was another sports team that was interested in taking over the operation of the facilities, which would be done under a license agreement and not a lease.

Mr. Turner reported that there were a couple of code enforcement liens that he would like to start foreclosure action on. He said there were four (4) liens against Mr. Gino Abbate that totals around \$20,000.00 and the other lien was against Mr. John Desjardins that totals around \$65,000.00. He said that he would be bringing these before the City Council for direction to file foreclosure actions.

11. CHAIRMAN'S MATTERS

None

12. MEMBER'S MATTERS

None

13. ADJOURNMENT

Today's meeting adjourned at 3:05 p.m.

/sp