

CODE ENFORCEMENT BOARD MINUTES
Wednesday, August 9, 2023 – 1:30 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Eric Price; Vice Chairman, Stephen McDonald; Members: Christopher Bryant, Ken Daige and Eva Lauer (arrived at 1:34 p.m.) **Also Present:** Code Enforcement Officer, Melody Sanderson; Code Enforcement Officer, Jamila McGee; City Attorney, John Turner and Deputy City Clerk Sherri Philo

Excused Absences: Linda Hillman and Frank Pizzichillo

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIENCE

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

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

3. PRELIMINARY MATTERS

A) Adoption of Minutes

- 1. July 12, 2023 – Regular Meeting Minutes**
- 2. July 19, 2023 – Special Call Meeting Minutes**

Mr. Price made a motion to adopt the minutes of the July 12, 2023 regular Code Enforcement Board meeting and the July 19, 2023 Special Call Code Enforcement Board meeting. Mr. Daige seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Ms. Jamila McGee, Code Enforcement Officer, who has been sworn in, pulled Case #23-CE-13251 – Austin Hunt from today's agenda. She reported that the civil penalty has been paid and the property was in compliance.

Ms. Melody Sanderson, Code Enforcement Officer, who has been sworn in, pulled Case #23-CE-13259 – Vero Beach Land Holdings LLC / Joseph G. Liguori from today's agenda. She reported that the civil penalty has been paid and they have started the permitting process.

Mr. Price made a motion to adopt the agenda with those changes. Mr. McDonald seconded the motion and it passed unanimously.

4. UNLICENSED CONTRACTORS/CITATIONS

None

5. EVIDENTIARY HEARINGS

A) Citation Appeals

None

B) Non-Compliance / Compliance Reports

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

1. Request for Board Order

a. CASE #23-CE-13167 AND CASE #18-CE-9257

VIOLATOR: Dorothy M. Lucey (Le) and Maureen J. Lucey

VIOLATION: Expired roof underlayment – Florida Building Code 105.5; R905.1 / Home roofing system is failing and in need of repair – SHC Sections SHC 305.3; 305.31

VIOLATION ADDRESS: 1215 Spanish Lace Lane, Vero Beach, Florida 32963

Mr. John Turner, City Attorney, reported that the first case listed was set at the Special Call meeting for today in order to give the property owner the opportunity to present testimony and evidence as to why the Board should not declare this property as a public nuisance under Code Section 2-304 of the Code of Ordinances. He said now would be the opportunity for the property owner or the property owner's representative to come forward and address these issues.

Mr. Price asked if the property owner was present. He asked if they were discussing Case #23-CE-13167 or Case #18-CE-9257.

Mr. Turner said they are discussing both Case #23-CE-13167 and Case #18-CE-9257.

Mr. Turner asked if the property owner, Ms. Lucey, or her representative present to address the Board on this matter. He said that he did not see anyone stepping forward. He said there was a court reporter present as a representative for the property owner and it was his understanding that he was retained to appear and to make a record of the proceeding so she (Ms. Lucey) does have that representative. He reported that Ms. Lucey also submitted via email a number of exhibits that she wanted presented by the Clerk of the Board to the Board for their consideration, which does not follow their procedures for hearings. They require that someone lays a foundation for exhibits to support them and for consideration under Oath. These exhibits were furnished via email. He said the Board may accept them if they wish to waive that requirement.

Mr. Price asked how many exhibits are there.

Ms. Sherri Philo, Deputy City Clerk, reported that she has four (4) exhibits and some of them have several attachments.

Mr. Bryant said if the violator was not here to present them then he does not need to see them.

Mr. McDonald agreed.

Mr. Price said that he would like to see them.

Mr. Turner asked the Board if all the members would be voting and if they were going to waive any late appearances. He said that Ms. Lauer walked in as he was introducing the case. He asked if the Board members had any objections. He said since there were no objections noted they would proceed (Ms. Lauer would be permitted to vote).

Mr. Daige said since the Attorney has informed them that they could look at the exhibits, he felt that they should look at them.

The Board members agreed.

Mr. Turner said if that was the will of the Board they would distribute the exhibits. He said that he did not know what they were. He has not looked at them and it was not his position to sponsor or interpret them.

At this time, the Deputy City Clerk distributed to the Board members four (4) exhibits.

Mr. Turner said to let the record reflect that the Board was being handed packets of the exhibits and they would make sure that the court reporter receives a copy of the exhibits as well.

Mr. Turner said if the Board would like to proceed they could ask if there was any additional testimony. He did not know if the Code Enforcement Officers have seen the exhibits and would like an opportunity to rebut or raise questions.

Mr. Price said there were two (2) cases, one (1) was the roof and the other was the public nuisance. He said that he would like to focus on the public nuisance case first.

Mr. Turner said that was the main case that brought this matter forward. He said the Board made a finding that rescinded the Board order they had entered finding a public nuisance at their Special Call meeting held on July 19, 2023, and they set today's date for this hearing for the property owner to appear and to show cause why the property should not be declared a public nuisance representing a threat to the public health, safety, or welfare. Therefore, that person should be here. The Board has in front of them the evidence from the previous Board hearing of July 12, 2023 when they made the original finding and entered their Board order and that evidence was still relevant to this Case. That was what their finding was based on. The property owner/violator was given an opportunity to explain that, either to rebut it or to question it and they were not present, however she did submit documents for the Board to review. He said that he did not know what they were, but the Board could ask the Code Enforcement Officers if they know what they were or if they had any relevance to the Board's previous finding.

Mr. Price said so it was the Board's goal to declare or not declare the property a public nuisance.

Mr. Turner said that was what they would be discussing today. He explained that he was concerned about giving the property owner plenty of due process notice to appear and be heard. That she would have a meaningful hearing and a meaningful consideration by the Board before the Board order was actually entered. He said when they have a due process matter, it requires that the person is given a notice to appear, an opportunity to explain, and a meaningful hearing. He said obviously

she received notice and has a representative (referring to the court reporter) present and she filed the exhibits and asked the Board to consider them. Therefore, she received notice, filed documents, but was not present as the Board requested so that she could rebut or explain why the property should not be declared a public nuisance.

Mr. McDonald said that he didn't see anything in the exhibits that they have not already heard. He said there have been contractors on the property over the last seven (7) or eight (8) years.

Mr. Rick Dunkerley, Indian River County Contractor Licensing Inspector, who has been sworn in, said it has been seven (7) years.

Mr. Daige asked if he was correct that this has been under a permit for seven (7) years.

Mr. Dunkerley said that was correct.

Mr. McDonald thought that it was about a year ago that this was before the Board and she (Ms. Lucey) had to sign one (1) piece of paper to finish the roof.

At this time, the Deputy City Clerk swore in Mr. Gary Perkins.

Mr. Gary Perkins, President of the Homeowner's Association, who has been sworn in, said that she (Ms. Lucey) has been called here for over a year and has never shown up. He said if she was required to be present and was not, then this should be a closed case. He said they can't keep stalling and delaying this.

Mr. McDonald said his point was that a year ago she had to sign one (1) piece of paper for the roofer to complete the job. He said according to Mr. McAdam's previous testimony the peel and stick for the roof has expired. He asked if that was correct.

Mr. Scott McAdam, Indian River County Building Official, who has been sworn in, said that was correct.

Mr. McDonald said what he was reading in the exhibits was competitive and it states that the roof was complete. He said that she was arguing against the public nuisance with repetitive information that the Board has heard. He said that he didn't see anything that would convince him that it was not a public nuisance.

Mr. Bryant said the public nuisance was the expired roof underlayment. He asked if that was true and safe to say.

Mr. McDonald answered yes.

Mr. Bryant said it was expired and now it was a nuisance. He said that she (Ms. Lucey) has to apply for a new permit and get new underlayment.

Mr. Price asked how does a nuisance of a roof like that affect health, safety, and public welfare.

Mr. Bryant said water could get through the membrane and continue to deteriorate the wood under it.

Mr. McAdam said that he did not agree with that. He said what he does agree with was that she (Ms. Lucey) has self-adhered underlayment that has reached its maximum time limit of one (1) year, but with anything that expires there was no evidence that it was not functioning to keep the water out. Technically it has expired and it would have to be removed before a new roof is put on. He said that their inspectors have recently been in the building and there was no evidence of any water intrusion.

Mr. Gary Perkins said the soffits were blown out for the third time.

Mr. McAdam said the topic of soffits keeps coming up. It has been indicated that all the soffit was gone, most of the soffit was gone, etc. He said there was technically about 10 to 15 percent of the soffit that has not been installed or some portions have come down a little. It was not a majority of the soffit. He said that soffit repair was part of the alteration permit that is active, which was about to expire on August 28th. However, that was part of the project.

Mr. Bryant said they still have an active permit that would expire in 20-days.

Mr. Perkins said this was the third time the soffits have blown out. He said when putting screws up into rotted wood a little wind would pull them out, which is what has happened.

Mr. McAdam said that he was not trying to pick sides, but was trying to give evidence of what the Building Department has observed. He reported that the rotten wood was replaced under an alteration permit. It has been mentioned in the past that a contractor went out to do a bid and saw there were many walls on the inside that were so damaged and recommended tearing the house down. He said the Building Department does not have any evidence of that. What they have is evidence of their inspectors observing all the rotten wood being replaced. Therefore, they have no knowledge or evidence that screws were going into rotten wood that could not hold the soffit.

Mr. Perkins said it was agreed on and everyone voted to get something done and now here they were back again looking for more “stalls.”

The Deputy City Clerk swore in Mr. Jason Jeffries.

Mr. Jason Jeffries, Planning Director, who has been sworn in, clarified that they were present today to set the record that the property was a public nuisance to the community and to the neighborhood. The record that it was a nuisance was the ongoing complaint that has been on the record for seven (7) years. They have had Code violations, the property owner fixes it marginally, then it falls back out and another Code case gets started. This was what was creating the nuisance to the neighborhood, that the property was not being maintained at all times based on the City’s Standard Housing Code.

Mr. Price asked what happens if the Board declares the property a public nuisance.

Mr. Jeffries explained that there were provisions under the Code for the City to take action to correct just the declared nuisance.

Mr. Price asked does that mean replacing the roof.

Mr. Jeffries answered yes, to correct the nuisance. He noted that they were not declaring it unsafe.

Mr. Turner noted that previous testimony was that the roofing company was prepared to finish the roof. They have cut all the materials necessary. However, because the underlayment being expired that has to be replaced. He said this needs to be done prior to hurricane season. He said if the Board determines a public nuisance for public safety or health or welfare reasons, and directs the City Manager to have the roof replaced. He noted that the cost of that would be borne by the City and a lien would be imposed on the real estate to cover those costs. He said they were only talking about the roof at this point. He noted that there may be the need for engineering services to determine that the roof was structurally sound. He felt that would be a wise move on the part of the City.

Mr. Bryant said the County has already inspected it and the structural lumber has been replaced. Therefore, the roof was in good truss condition.

Mr. Turner felt it would be a wise move to have an engineering firm inspect it.

Mr. Jeffries noted that they could not take those actions until it is declared a public nuisance.

Mr. Price was not sure that he could argue that it was a public nuisance just because of the roof. He said it sounded like it was a public nuisance because there was a pattern that they were trying to stop.

Mr. Jeffries said that was correct, it was the pattern. He said the most immediate that needed to be corrected was the roof.

Mr. Daige said they have been hearing about the roof and about the roofing contractor. He thought that he heard at the last meeting that the particular roofer that was handling the job had a lien on the property. He asked if that was correct.

Mr. Turner said that was his understanding.

Mr. Daige asked if he had any idea of the amount.

Mr. Turner answered approximately \$80,000.

Ms. Lauer asked what was the order of priority on the liens.

Mr. Turner said normally the way it works was that if the City had a repair based on a public nuisance to remedy a situation that would be the number one (1) priority and that would apply over a mortgage, but he didn't think there were any mortgages or other outstanding obligations on this property.

Mr. Daige asked Ms. McGee if she had any current photos.

Ms. McGee answered only the ones that have already been submitted.

Mr. Daige said that he has heard enough after hearing from the Attorney and from what he knows about this case.

Mr. Turner explained that the Board's findings and vote has to be based on competent substantial evidence so based on that and what they have heard that is what they would be making their motion on.

Mr. Price asked would they be doing this together.

Mr. Turner asked the Deputy City Clerk which case number are they discussing at this point. He asked that she read it into the record.

Ms. Sherri Philo, Deputy City Clerk, replied Case #23-CE-13167. However, she believed that both cases were involved in the previous Board order.

Mr. Price asked wasn't one (1) public nuisance the underlayment.

Ms. Philo reported that Case #23-CE-13167 was for the violation of an expired roof underlayment.

Mr. Price said that made sense because the other Case was from 2018.

Mr. Bryant asked was Case #18-CE-9257 the public nuisance.

Mr. Price answered yes.

Mr. Bryant asked so there were two (2) different motions that needed to be made.

Mr. Price answered yes. He said that he was going to make a motion on the nuisance one first.

Mr. Price made a motion for Case #18-CE-9257 that from all the evidence the Board has heard and the people that they have heard from including the neighbors and what little they have heard from the property owner and the Building Official and Code Enforcement that the Board declares the property a public nuisance. Mr. McDonald seconded the motion and it passed 4-1 with Mr. Bryant voting no.

Mr. Price said Case #23-CE-13167, which was for Dorothy M. Lucey and Maureen J. Lucey for expired roof underlayment. He said this is the Case that the underlayment has expired and assumed that the civil penalty has not been paid. He asked if there was a date of compliance.

Ms. McGee reported that the civil penalty has not been paid and the compliance date was May 19, 2023.

Mr. Price asked the Board members if they wanted to allow time to correct the violation.

Mr. Bryant suggested 20-days.

Mr. Price made a motion for Case #23-CE-13167 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 20-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 shall commence the first day after the original compliance date of May 19, 2023,

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

b. CASE #23-CE-13146 / 3329M – Repeat Violation

VIOLATOR: Veroland LLC (owner) / Richard H. Critchfield (registered agent) Mulligans Vero Acquisition LLC (tenant) / Mary Hoertz-Westby (agent)

VIOLATION: Sea Turtle lighting violation – Code Sections 46-109 (a)(1)(a)(b)(c)

VIOLATION ADDRESS: 1025 Beachland Boulevard, Vero Beach, Florida 32963

(Failure to comply)

Ms. Sanderson reported that she has met with representatives of Mulligan's and they have a clear path going forward to correct the violation. She referred to photographs of the lighting that was placed in front of the Board (Exhibit A). She reported that Mulligan's also has a copy the photographs and were working with Coastal Connections to change out the lighting. In the meantime they have been trying to put down shades. She asked 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 15-days from the date of the Board order or continuing civil penalties in the amount of \$500.00 a day shall commence on the first day after the original compliance date of July 31, 2023, until corrected and that the initial civil penalty has been paid. She reported that representatives from Mulligan's were present for today's hearing.

Mr. George Hart, owner of Mulligan's Beach House Bar and Grill, who has been sworn in, said they understand the violations. He said they have been on the beach for 20-years and have had many conversations about the turtles over the years and that they have been in compliance. However, this year they were found in violation. He said that he is not there in the evenings, however he has seen from the photographs what Ms. Sanderson was looking at. He said they have taken measures to put up more shades and are working on coming into compliance.

Mr. Price asked if 15-days would be enough time to come into compliance.

Mr. Hart said that he would prefer 30-days because he was having some trouble getting materials. He said they would try to comply within the 15-days.

Ms. Sanderson said that she was okay with allowing 30-days to comply, however there was a turtle found on the deck of Mulligan's so if there was another disorientation there may be another fine.

Mr. Price moved that the Board finds that there was a violation, 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 \$500.00 per day shall commence the day following the original compliance date of July 31, 2023, until corrected and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

c. CASE #23-CE-13214 / 3354M

VIOLATOR: Veroland LLC (owner) / Richard H. Critchfield (registered agent) Mulligans Vero Acquisition LLC (tenant) / Mary Hoertz-Westby (agent)
VIOLATION: DJ deck installed without City of Vero Beach zoning approval and building and electric permits – Code Section 60.21 (b)(1)
VIOLATION ADDRESS: 1025 Beachland Boulevard, Vero Beach, Florida 32963
(Failure to comply)

Mr. Hart stated that they put out a temporary stage on the grass because during the rainy season a lot of the band's equipment was sitting in the mud.

Ms. Sanderson reported that the photograph of the DJ deck that was placed in front of the Board (Exhibit A) was taken to the Planning Department and they said that it would need City approval for the location and placement. The photograph was also sent to the Building Department and they said the deck would require a permit. She recommended that the Board allows 30-days to complete the permitting process.

Mr. Hart said that he spoke with the gentleman they hired to do the work last week and found out that he was on vacation and that he would put the applications in once he returns. He said if nothing is done within the 30-days he would remove it.

Mr. Price moved that the Board finds that there was a violation, 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 the first day after the original compliance date of July 31, 2023, until corrected and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

d. CASE #23-CE-13177 / 0904J – Repeat Violation

VIOLATOR: Ocean Grill (dba) / Sexton, Inc. (owner) / Dawn E. Trodglen (registered agent)
VIOLATION: Sea Turtle lighting violation - Code Sections 46-109 (a)(1)(a)(b)(c)
VIOLATION ADDRESS: 1050 Sexton Plaza, Vero Beach, Florida 32963
(Failure to comply; Failure to pay \$100.00 civil penalty)

Ms. McGee reported that the property was not in compliance and the civil penalty of \$100.00 has been paid.

Mr. Joey Replogle, of Ocean Grill, who has been sworn, stated that his family has a lease on this building and have been operating it for several years. He said when they received the warning and the citation they decided to tint all the windows and spent close to \$6,000.00 to do it. He said this was done mainly to screen in all the lighting that was showing down the beach, however they saw that was not enough because some of the bulbs hanging in the windows were still shining through. They then spent another \$600.00 to purchase more turtle bulbs or they just took the lights down. He thought that they were in complete compliance minus one (1) light that was on the outside that was located in the lantern and not the turtle fixtures. He reported that they have turtle light fixtures,

but their biggest problem is that someone steals the turtle lights and replaces them with regular bulbs. He said this has occurred four (4) times in the last two (2) years. He has his handyman looking to see if they could put a cage around them with a lock to stop this from occurring. He said this morning he found the last remaining light bulb and unscrewed the lightbulb and did not replace it.

Mr. Daige suggested that during turtle season that they have an employee go out in the evenings to inspect the lights and have them keep a log of it. He said if they have a log that shows that they were checking the lights they would have a record of what they were doing if this was to happen again.

Mr. Replogle said they were now in compliance.

Ms. McGee said they were not in compliance because internal lights were still visible.

Mr. Bryant suggested that the Board allows 20-days to come into compliance.

Mr. Price moved that the Board finds that there is a violation, the violations continues and that the Board issues a Board order to correct the violation within 20-days from the date of the Board order or continuing civil penalty of \$100.00 per day shall commence the first day after the original compliance date of May 23, 2023, until corrected and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

- e. **CASE #23-CE-13240 / 0949J**
VIOLATOR: Jacqueline C. Koch; Sandra Koch; Ruben Koch
VIOLATION: Public nuisance / dead tree – Code Section 38-31
(a)(b)(4)
VIOLATION ADDRESS: 1845 22nd Avenue, Vero Beach, Florida
32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

Ms. McGee reported that the \$50.00 civil penalty has not been paid and the property was not in compliance. The original compliance date was July 12, 2023.

The Deputy City Clerk swore in Mr. Ruben Koch.

Mr. Ruben Koch, property owner, who has been sworn in, stated that they received a letter of non-compliance for public nuisance for the tree. He said they addressed the tree, but did not pay attention to the citation. After receiving a letter that they were not in compliance they sent a certified letter to the Code Enforcement Officer and asked that she let them know what needed to be done to rectify this because they did remove some of the stuff that was considered to be a nuisance. He said they did not remove anything further because there was wildlife living in the tree. He said they did not receive a reply to their letter. If they had been told what else needed to be done they would have tried to proceed.

Mr. Bryant asked Ms. McGee if they were in compliance.

Ms. McGee said they were not in compliance because the tree remains on the property and there were dead parts on the tree that could fall.

Mr. Price asked Ms. McGee if she received the certified letter.

Ms. McGee answered yes. She said the warning citation was sent on June 12th and the citation was issued on June 28th with a picture of the tree that had been trimmed, however it was still not in compliance.

Mr. Price questioned if she replied to the letter.

Ms. McGee said that she did not reply to the letter.

Mr. Daige referred to the photographs placed in front of the Board members (Exhibit A). He said it looked like the tree was in bad shape as a whole. He asked if the tree should come down.

Ms. McGee reported that the complaint came in from a neighbor that a part of the tree had fallen onto the sidewalk. She reported that it was still there next to the sidewalk.

Mr. Koch asked what was beside the sidewalk.

Ms. McGee said it was a part of the tree that had fallen.

Mr. Koch said there were two (2) stumps there and they could remove them.

Mr. Bryant questioned if he would need 30-days to get rid of the tree.

Mr. Koch said 30-days was fine.

Mr. Bryant said that he would need to pay the \$50.00 civil penalty.

Mr. Koch said that was not an issue.

Mr. Price moved that the Board finds that there is a violation, the violation continues, that the Board issues a Board order to correct the violation within 30-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence the first day after the original compliance date of July 12, 2023, until corrected and to pay the initial civil penalty of \$50.00. Mr. Daige seconded the motion and it passed unanimously.

- f. CASE #23-CE-13242 / 0950J**
VIOLATOR: Ruben and Sandy Koch
VIOLATION: Public nuisance / dead tree – Code Section 38-31
(a)(b)(4)
VIOLATION ADDRESS: 1828 22nd Avenue, Vero Beach, Florida
32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

Ms. McGee reported that the \$50.00 civil penalty has not been paid and the property was not in compliance. The compliance date was July 12, 2023.

Mr. Koch said that they would proceed to take down the tree.

Mr. Price moved that the Board finds that there is a violation, the violation continues, that the Board issues a Board order to correct the violation within 30-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence the first day after the original compliance date of July 12, 2023, until corrected and to pay the initial civil penalty of \$50.00. Mr. Daige seconded the motion and it passed unanimously.

- g. CASE #23-CE-13243 / 0951J**
VIOLATOR: Ruben and Sandy Koch
VIOLATION: Public nuisance / dead tree – Code Section 38-31 (a)(b)(4)
VIOLATION ADDRESS: 1836 22nd Avenue, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

Ms. McGee reported that the \$50.00 civil penalty has not been paid and the property was not in compliance. The compliance date was July 12, 2023.

Mr. Koch said this tree is on both properties. It is the same tree.

Mr. Bryant asked if the Board could waive the civil penalty since the tree is located on both properties.

Mr. Turner said the Board could adjust the fine.

Mr. Bryant asked does there have to be a fine or can they say a fine of \$1.00.

Mr. Turner said the Board could adjust the fine.

Mr. Bryant said then he would like to adjust the fine to \$1.00.

Mr. Price said that would be for the initial civil penalty. He asked what happens if he doesn't correct the violation within 30-days. He said there would be civil penalties for the same tree.

Mr. Turner said the Board was showing that there was a reason for a reduction in the fine and as a result it would be \$1.00 and if Mr. Koch doesn't comply then there would be an increase on the two (2) previous cases.

Mr. Price moved that the Board finds that there is a violation, 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 \$1.00 per day shall commence the first day after the original compliance of July 12, 2023, until corrected and to pay the initial civil penalty of \$1.00. Mr. Daige seconded the motion and it passed unanimously.

- h. CASE #23-CE-13251 / 0940J**
VIOLATOR: Austin Hunt
VIOLATION: Vehicle parked in required front yard – Code Section 74-82 (d)

VIOLATION ADDRESS: 1805 20th Avenue, Vero Beach, Florida 32960

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

This item was pulled from today's agenda.

- i. **CASE #23-CE-13259 – 3378M**
VIOLATOR: Vero Beach Land Holdings LLC (owner) / Joseph G. Liguori (registered agent) / Premier Estate Properties
VIOLATION: Shed installed without City approval or a building permit – Code Section 60.21 (b)(1)
VIOLATION ADDRESS: 675 Beachland Boulevard, Vero Beach, Florida 32963
(Failure to comply)

This item was pulled from today's agenda.

- j. **CASE #23-CE-13275 / 0959J – Repeat Violation**
VIOLATOR: Jaleel R. Nugent
VIOLATION: Weeds, grass or undergrowth at a height of more than 12-inches – Code Section 38-31 (a)(b)(1)
VIOLATION ADDRESS: 1575 29th Avenue, Vero Beach, Florida 32960
(Failure to pay \$100.00 civil penalty)

Ms. McGee reported that the property was in compliance and the \$100.00 civil penalty has not been paid.

Mr. Price moved that the Board finds that there was a violation, the violation has been corrected and that the Board issues a Board order to pay the initial civil penalty of \$100.00. Mr. McDonald seconded the motion and it passed unanimously.

- k. **CASE #23-CE-13290 / 3369M**
VIOLATOR: Saeed Gandomi
VIOLATION: Banners require a permit from the Planning Department – Code Section 60.21 (b)(8)
VIOLATION ADDRESS: 1014 21st Street, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

Ms. Sanderson reported that service of the citation was provided by property posting. The property was not in compliance and the \$50.00 civil penalty has not been paid. She asked 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 20-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence the first day after the original compliance date of July 21, 2023, until corrected and to pay the civil penalty.

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 20-days from the date of

the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence the first day after the original compliance date of July 21, 2023, until corrected and to pay the initial civil penalty of \$50.00. Mr. Daige seconded the motion and it passed unanimously.

6. OLD BUSINESS

None

7. NEW BUSINESS

None

8. ADMINISTRATIVE MATTERS

None

9. CLERK'S MATTERS

None

10. ATTORNEY'S MATTERS

None

11. CHAIRMAN'S MATTERS

None

12. MEMBER'S MATTERS

None

13. ADJOURNMENT

Today's meeting adjourned at 2:41 p.m.

/sp