

SPECIAL CALL CODE ENFORCEMENT BOARD MINUTES

Thursday, August 26, 2021 – 1:30 p.m.

City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Eric Price; Vice Chairman, Stephen McDonald; Members: Linda Hillman, Christopher Bryant, Frank Pizzichillo and Ken Daige **Also Present:** Code Enforcement Officer, Melody Sanderson; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

Excused Absence: Richard Kennedy

1. CALL TO ORDER

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

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

The Deputy City Clerk swore in Ms. Melody Sanderson, Code Enforcement Officer.

Mr. John Turner, City Attorney, thanked the Board members for attending today's Special Call meeting. He reported that there is a pending possible resolution of all the outstanding claims that Mr. Scott McCracken, the violator, has with the City regarding Code Enforcement matters. This will be going before the City Council at a Special Call meeting on Monday as a request for mitigation of the amounts to resolve all the liens. The two (2) cases on today's agenda are the last two (2) cases remaining that are still open. The evidence will be that the property was found to be in compliance and the cases need to be closed so staff will have a dollar amount certain for the City Council to consider. The Board is here today to determine that amount and that there is compliance.

2. ITEMS FOR DISCUSSION:

A. CASE #20-CE-11076 / 2956M

VIOLATOR: P. Scott McCracken

VIOLATION: Trees removed without a permit

VIOLATION ADDRESS: 2716 Laurel Drive, Vero Beach, Florida 32960

Ms. Sanderson, reported that the property was found to be in compliance. She requested that the Board issues a Board order finding compliance as of August 23, 2021.

Mr. Daige asked what month, what day, and what year did the penalties begin.

Mr. Bryant stated that there was a pay by date of September 25, 2020.

Mr. Daige asked was the violation corrected.

Mr. Price said it was corrected on August 23, 2021.

Mr. Daige asked how much were the fines up to that date.

Ms. Sherri Philo, Deputy City Clerk, reported that the estimated amount of continuing penalties came to \$16,500.00, plus the initial civil penalty of \$50.00, and the costs of enforcement of \$58.60 for a total of \$16,658.60.

Mr. Daige asked since they are asking that the property be found in compliance, has that amount been paid to the City.

Mr. Turner said that has not been determined yet as to the settlement or resolution of the lien request. They are here today to make a finding of compliance and to cease the continuing penalties. Then this will go before the City Council with a certain dollar amount due to the City.

Mrs. Hillman said it was stated that this was going to the City Council for a lien reduction. She asked why would they reduce it.

Mr. Turner explained that the Board is present today to resolve this matter. It is for the City Council to determine if there is going to be any mitigation that they would agree to reduce.

Mr. Daige questioned so there is an amount here and if the property is in compliance it will go forward with this dollar amount and then the City Council on this one (1) case will decide if they are going to reduce it.

Mr. Turner said the Board is just closing this case out. He explained that this is part of an opportunity to settle all of these cases with one (1) payment.

Mr. McDonald moved that the Board finds that the property is in compliance as of August 23, 2021, to cease the continuing penalties as of that date, and to pay the accrued continued penalties and costs, and the initial penalty. Mr. Pizzichillo seconded the motion.

Mr. Daige said once the Board finds the property is in compliance, the penalties will cease. He asked when this goes to the City Council with this ruling, if the people on the other side decide there is not enough money that is reduced, does this start back up again. He asked are they off the hook since the Board found them in compliance.

Mr. Turner said they are not off the hook, they still owe the amount due.

Mr. Daige asked why was this discussed with the City Council at their last meeting.

Mr. Turner said the Board is here to resolve this particular matter. What staff will be bringing up with the City Council relates to all the claims and to get this matter resolved.

Mr. Price asked what was the quest when this was discussed with the City Council.

Mr. Turner explained what was discussed previously was that there were several properties that were involved with liens and pursuant to the Board's request and at the City Council's direction, the City initiated a lien foreclosure action on six (6) or seven (7) different liens. He explained that when a Code Enforcement lien is filed, it is not only on the property that has caused the lien, but on all other properties that person owns. Therefore, if that person goes to sell a different piece of property these liens would have to be resolved before the purchaser could get clear title. That is what happened in this case. He (Mr. McCracken) went to sell a piece of property and all these liens appeared so in order to sell the property he

has to satisfy those liens. He reported that there is only a certain amount of money available from the sale of that property and they have offered to pay the City a substantial part of it, but not all of it because some proceeds from the sale have to be used for payment of taxes, insurance, attorney fees, etc. So they made an offer to the City that if the City wants to resolve all the outstanding liens, end the foreclosure action, and close everything out they will pay the City x-number of dollars. It is up to the City Council to say yes, no, or make a counter offer.

The motion passed unanimously.

B. CASE #20-CE-10826 / 2945M

VIOLATOR: P. Scott McCracken

VIOLATION: Change in work structure subsequent to the issuance of certificate of appropriateness without review by the Planning and Development Director

VIOLATION ADDRESS: 2716 Laurel Drive, Vero Beach, Florida 32960

Ms. Sanderson requested that the Board finds the property in compliance as of August 23, 2021, and to pay the initial civil penalty.

Mr. Turner asked the Deputy City Clerk for the total amount due.

Ms. Philo reported that the estimated amount of continuing penalties came to \$19,500.00, plus the initial civil penalty of \$50.00 for a total of \$19,550.00.

Mr. Turner said this case would be part of the proposal that City Council will consider on Monday. He reported that there are a total of seven (7) liens that they will be discussing.

Mr. Daige questioned that each lien has a dollar amount.

Mr. Turner answered yes.

Mr. Daige asked will the City Council know the amount of each lien.

Mrs. Hillman questioned or the total.

Mr. Turner said they will have both.

Mr. Daige asked has there been a counter offer made by the City Attorney's office.

Mr. Turner answered no.

Mr. Daige said so there is a bottom line total that will be negotiated at the Special Call City Council meeting.

Mr. Turner said there would be an offer that the City Council will either accept, reject, or something in between.

Mr. Daige asked when the City Council makes an offer, if the individuals don't like it then what happens.

Mr. Turner said they would proceed with the foreclosure action. He reported that the total amount owed on all the liens is \$153,894.29. The offer they are discussing is in the amount of \$145,000 to settle all the claims.

Mr. Daige questioned if this is accepted then this wipes the slate clean.

Mr. Turner explained that if it is accepted then all the liens would be released.

Mr. Daige said all the paperwork has to be in order if the party agrees to the amount and that the amount will be paid to the City at the closing.

Mr. Turner said it is ready. He said they are doing everything they can do to make certain that it will be handled appropriately.

Mr. McDonald moved that the Board finds the property in compliance as of August 23, 2021, to cease the continuing penalties as of that date, and to pay the initial civil penalty and accrued continuing penalties. Mr. Pizzichillo seconded the motion and it passed unanimously.

Today's meeting adjourned at 1:47 p.m.

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