

CODE ENFORCEMENT BOARD MINUTES
Wednesday, September 13, 2023 – 1:30 p.m.
City Hall, Council Chambers, Vero Beach, Florida

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIENCE

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

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

3. PRELIMINARY MATTERS

A) Adoption of Minutes

1. August 9, 2023

Mr. Price made a motion to approve the minutes of the August 9, 2023 Code Enforcement Board meeting. Mr. McDonald 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 Case #23-CE-13261 – Ken Cooper / Vero Fence LLC / Larry D. Botkin from today's agenda. She reported that they hired legal counsel and they requested a postponement. She requested that they hear Case #23-CE-13309 – Vero Hotel Management LLC / George W. Heaton first on today's agenda. She then pulled Case #23-CE-13281 – Richard W. Schlitt / Schlitt Brothers Painting Contractors and Case #23-CE-13282 - Richard W. Schlitt / Schlitt Brothers Painting Contractors from today's agenda. She reported that she withdrew the citations.

Ms. Jamila McGee, Code Enforcement Officer, who has been sworn in, pulled Case #23-CE-13139 – Jt Vero Properties LLC / John Synowiec from today's agenda. She reported that the civil penalty was paid after receiving the Notice of Hearing and the building permit was in progress. She then pulled Case #23-CE-13344 – Jean Tully and Christopher James Mooney / Ryan A. Jones and Associates from today's agenda. She reported that the civil penalty has been paid after receiving the Notice of Hearing. She then pulled Case #23-CE-13385 – Highland Avenue Properties LLC / Barry G. Segal, P.A., Case #23-CE-13386 - Highland Avenue Properties LLC / Barry G. Segal, P.A., Case #23-CE-13387 - Highland Avenue Properties LLC / Barry G. Segal, P.A., Case #23-CE-13388 - Highland Avenue Properties LLC / Barry G. Segal, P.A., Case #23-CE-13389 -

Highland Avenue Properties LLC / Barry G. Segal, P.A., from today's agenda. She reported that they requested a postponement and it was approved by the Chairman.

Mr. John Turner, City Attorney, added under Attorney's Matters (Case #19-CE010137 – James Frank Osteen, Jr.). The Deputy City Clerk distributed to the Board members, the Board Order Finding Violation and To Pay Civil Penalty, Citation #0334, and an email from Mr. David Checchi, Indian River County Contractor Licensing Investigator (on file in the City Clerk's office).

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

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

4. UNLICENSED CONTRACTORS/CITATIONS

None

5. EVIDENTIARY HEARINGS

A) Citation Appeals

None

B) Non-Compliance / Compliance Reports

1. Request for Board Order

a. CASE #23-CE-13085 / 3313M

VIOLATOR: Elias Chote de Jesus

VIOLATION: Deck and stairs installed without City of Vero Beach Planning Department approval or building permits from the Indian River County Building Department – Code Section 60.21 (b)(1)

VIOLATION ADDRESS: 2 Aero Lane, Vero Beach, Florida 32960

(Failure to comply)

Ms. Sanderson reported that no request for a hearing was received so a hearing to contest the citation has been waived and the violation is deemed admitted by the violator. The citation was issued on March 16, 2023, with a compliance date of March 30, 2023. The \$50.00 civil penalty has been paid. A Code Compliance Certification was issued on March 29, 2023, which they were to take to the Building Department to obtain a building permit. When nothing was done she sent an email to the property owners on June 20, 2023, reminding them that they needed to take the Code Compliance Certification to the Building Department to get a permit. She said that they still do not have a permit and she is requesting 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 the first day after the original compliance date of March 30, 2023, until corrected and that the initial civil penalty has been paid.

Mr. de Jesus said that he does not speak very good English.

The Deputy City Clerk swore in Mr. Elias de Jesus and Mrs. Linda Rodriguez en masse.

Mr. Turner asked if she was present to help with interpreting.

Mrs. Rodriguez said that she does not speak very good English either.

Ms. Sanderson stated that they were husband and wife.

Mr. Price asked why they have not applied for a permit.

Ms. Sanderson explained to Mr. and Mrs. de Jesus that they need to take the paperwork from the City to the Building Department to obtain a permit for the deck and the stairs.

Mrs. Rodriguez said they went to the Building Department and they have the application.

Ms. Sanderson explained to them that they needed to bring the application back to the Building Department so they could tell them what they needed to do in order to obtain their permit. She suggested that the Board allows 90-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 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 first day after the original compliance date of March 30, 2023, until corrected and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

It was noted that Mr. Jeffries was now present and the Board went back to item 5-B) 1h on today's agenda.

- b. CASE #23-CE-13139 / 0989J**
VIOLATOR: Jt Vero Properties LLC (Owner) / John Synowiec (Registered Agent)
VIOLATION: Fence installed without Code Compliance Certification from the City of Vero Beach Planning Department or a building permit from the Indian River County Building Department – Code Section 60.21 (b)(1)
VIOLATION ADDRESS: 934 19th Street, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- c. CASE #23-CE-13182 / 3342M**
VIOLATOR: Russell Carson and Joyce M. Carson and Scott L. Eungard and Kimberly J. Eungard (Owners)

VIOLATION: Replacement shed installed without City of Vero Beach Planning Department approval or a building permit from the Indian River County Building Department – Code Section 60.21 (b)(1)

VIOLATION ADDRESS: 555 19th Place, Vero Beach, Florida 32960

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

Ms. Sanderson reported that no request for a hearing on the citation has been received so a hearing to contest the citation has been waived and the violation is deemed admitted by the violator. Service of the citation was provided by certified mail. The \$50.00 civil penalty has not been paid. She reported that Mr. Carson had some ongoing health issues so she would like to allow them 120-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 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 first day after the original compliance date of July 4, 2023, until corrected and to pay the initial civil penalty of \$50.00. Mr. Daige seconded the motion and it passed unanimously

d. CASE #23-CE-13261 / 3379M

VIOLATOR: Ken Cooper (Owner) / Vero Fence LLC / Larry D. Botkin (Registered Agent)

VIOLATION: Fence installed without City of Vero Beach Planning Department approval or a building permit from the Indian River County Building Department – Code Section 60.21 (b)(1)

VIOLATION ADDRESS: 1945 18th Avenue, Vero Beach, Florida 32960

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

This item was pulled from today's agenda.

e. CASE #23-CE-13281 / 3387M

VIOLATOR: Richard W. Schlitt (Tr) – c/o Schlitt Brothers Painting Contractors

VIOLATION: Standard Housing Code Violations and new AC unit and water heater installed without permits from the Indian River County Building Department – Code Sections 22-181; 301.10; 303.21; 303.22; 305.7; 305.13.1; 302.9; 303.3; 305.16.1; 22-106

VIOLATION ADDRESS: 2345 16th Avenue, Vero Beach, Florida 32960

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

This item was pulled from today's agenda.

f. CASE #23-CE-13282 / 3388M

VIOLATOR: Richard W. Schlitt (Tr) – c/o Schlitt Brothers Painting Contractors

VIOLATION: Standard Housing Code Violations and new AC unit and water heater installed without permits from the Indian River County Building Department – Code Sections 22-181; 301.10; 303.21; 303.22; 305.7; 305.13.1; 302.9; 303.3; 305.16.1; 22-106
VIOLATION ADDRESS: 2343 16th Avenue, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- g. CASE #23-CE-13301 / 3402M**
VIOLATOR: BMB Waterfront Estates Inc. (Owner) / The Corporation (Registered Agent)
VIOLATION: Weeds, grass, or undergrowth at a height of more than 12-inches; sidewalk overgrowth – Code Section 38-31 (a)(b)(1)
VIOLATION ADDRESS: 846 Banyan Road, Vero Beach, Florida 32963
(Failure to comply; Failure to pay \$50.00 civil penalty)

Ms. Sanderson reported that no request for a hearing on the citation has been received so a hearing to contest the citation has been waived and the violation is deemed admitted by the violator. Service of the citation was provided by certified mail. The civil penalty of \$50.00 has not been paid. The property came into compliance yesterday. She asked that the Board issues a Board order to pay.

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

- h. CASE #23-CE-13309 / 3408M – Repeat Violation**
VIOLATOR: Vero Hotel Management LLC (Owner) / George W. Heaton (Registered Agent)
VIOLATION: Expired beach services permit; failure to obtain long term storage for recreational and beach items – Code Section 64.05 (a)(b)(14)
VIOLATION ADDRESS: 3500 Ocean Drive, Vero Beach, Florida 32963
(Failure to comply)

*Please note this Case was heard first on today's agenda.

Ms. Sanderson reported that the hotel was cited for not having a current beach services permit, which expired on March 16, 2022. She said that the beach services permit has the guidelines that all recreational amenities, such as chairs, tables, etc., shall be removed from the area at the time of closing each day and stored off of the beach. The use of the sidewalk along the beach for storage was valid for one (1) year and at the time of the permit renewal a permanent solution for the storage was required, which has not been obtained. No request for a hearing on the citation has been received so a hearing to contest the citation has been waived and the violation is deemed admitted by the violator. She said that the annual permit required for the providing of food, beverages,

recreational and other hospitality services to beachfront patrons and guests requires that all surf and paddleboards, watercraft, float devices and other recreational amenities and all beach chairs, tables, tents and other beach furniture and accessories shall be removed from the beach, landward of the dune line or the easternmost building line. She reported that the hotel has had false turtle crawls due to beach chairs being left on the beach overnight and hatchlings have been found in collapsed beach umbrellas that were left on the beach. She reported that on February 19, 2021, she and Mr. Jeffries met with Mr. Awet Siam, General Manager, on site to discuss long term storage solutions for the beach items and on March 16, 2021, the beach vendor permit was issued with the condition of the permit allowing for the use of the sidewalk on the top of the seawall for overnight storage of beach items valid for one (1) year. She noted that a copy of the permit was included in the Board's backup information (Exhibit A-1-4). She said at the annual renewal of March 16, 2022, a permanent solution was required. On July 20, 2023, a citation for a repeat violation for failure to obtain a current beach services permit was issued with the compliance date of August 8, 2023. Service of the citation was provided by certified mail. She reported that the civil penalty has been paid and the beach service application was submitted on July 31, 2023. On August 10, 2023, an email was sent to Mr. Sium by Ms. Gayle Lafferty, of the Planning Department, advising him that the City could not approve the beach services permit because a condition of his previous beach service permit was to submit a permanent solution for equipment storage and that once the plans for the equipment storage had been reviewed staff would be able to review the beach service application. Ms. Sanderson reported that on August 11, 2023, Mr. Sium emailed Ms. Lafferty and Mr. Jeffries regarding the permit application and the onsite visit done by Ms. Sanderson and Mr. Jeffries to identify suitable locations and the seawall storage option. On August 30, 2023, Mr. Jeffries sent Mr. Sium an email with the permit of 2021, noting that the permit was for one (1) year to allow time for a permanent storage solution, which expired in 2022. She reported that the property remains in violation and does not have an approved permit. She said that Mr. Jeffries was supposed to be present today regarding this case.

Mr. Price asked if they applied for a permit in 2022. He said the permit they received was applied for in 2021 and it expired in 2022.

Ms. Sanderson said that she did not know.

Mr. Price said they would continue hearing this case until Mr. Jeffries, Planning Director, arrives.

At this time, the Board heard item 5-B) 1a on today's agenda.

The Board continued with this case at 1:46 p.m., with Mr. Jeffries now present.

The Deputy City Clerk swore in Mr. Jason Jeffries.

Mr. Price said the Board has a permit that was applied for in 2021 that expired in 2022 (Exhibit permit A-1-4).

Mr. Jason Jeffries, who has been sworn in, reported that beach services permits were only good for one (1) year. This permit had the condition that they had to find a permanent solution for the storage. The reason that was done was because the hotel was working on a site plan to do some modifications. However, they have not finished the project and they still need to come up with a permanent solution for storing the beach equipment in the evenings.

Mr. Price questioned if they applied for a renewal in 2022.

Mr. Jeffries answered no.

Mr. Awet Siam, General Manager, who has been sworn in, reported in 2021, when they applied for the beach services permit they proposed the idea of storing the equipment on top of the seawall. He said that he assumed that was the approved space to store it and not that the permit was only good for one (1) year. He said that they do not have the space to store the beach equipment on the property. He said that he proposed an alternative, which was to build a dune and they would tuck the equipment behind that dune on the property.

Mr. Pizzichillo asked if there could be a Federal or State infraction with storing equipment behind a dune.

Mr. Jeffries explained that would be part of the review process that would need to be done. He said they need to not only look at the City's rules related to the beach, but also with Florida Department of Environmental Protection (FDEP). He felt with this case there would be concerns with the turtle nesting, which could be a State or Federal regulation.

Mrs. Hillman said a dune would not prevent the turtles from going over it. She said that she would not accept that. She would accept the possibility of the hotel putting up an area at the seawall that was caged in if that was permitted. She felt that the dune would only make the turtles go up to it because it would darken the lighted area on the other side.

Mr. Price asked what do they need to do to come into compliance.

Ms. Sanderson said the beach has to be cleared and they need a current permit.

Mr. Price asked would the equipment have to be removed from the beach every night.

Ms. Sanderson answered yes.

Mr. Price said the problem is that they don't have any place to store the equipment.

Ms. Sanderson said that was correct. She said that was the reason they came to the agreement of using the seawall in 2021. Now they need to have a permanent solution.

Mr. Siam noted that their seawall was about eight (8) feet above the sand so it would be impossible for a turtle to climb it. That was the reason that he felt the seawall was the ideal location to store their gear. He did not see it as a potential concern because there was no way for a turtle to get to it.

Ms. Sanderson said to clarify the idea was to put the chairs on the seawall in the evenings.

Mr. Siam said that was correct. He said they have been doing that since the permit was approved.

Mr. Daige said so the gear is kept on top of the seawall and there was not any type of enclosure.

Mr. Siam said that was correct.

Mr. Daige asked what do they do with the gear if there was a threat of a hurricane.

Mr. Siam said the gear is chained to the wall.

Ms. Sanderson reported that during their evening inspections they have seen chairs pushed against the seawall and paddleboards and surfboards stored on the beach. She said all their gear has to be stored on the seawall right now and then they need to come up with a permanent solution.

Mr. Daige asked Mr. Jeffries what timeframe would be needed to get this taken care of.

Mr. Jeffries said it would depend on the solution. He said it could be 90 to 120-days.

Mr. Price questioned so storing the gear on the seawall was not an acceptable solution.

Mr. Jeffries said outdoor storage was not permitted in the City.

Ms. Sanderson said that she did not want to allow 90 to 120-days to clear the beach. She said the beach needed to be cleared nightly.

Mr. Daige said there were two parts to this, what the Code Enforcement Officer is talking about and what Mr. Jeffries is talking about as to what was a reasonable timeframe and what he was hearing from Mr. Jeffries was 120-days.

Mr. Jeffries said that was to get to a permanent solution.

Mr. Price asked is the temporary solution putting the equipment on top of the seawall.

Mr. Daige said it was stated that outside storage was not permitted by Code.

Mr. Jeffries asked when does turtle season end.

Ms. Sanderson answered October 31st.

Mr. Jeffries said that would be a decent temporary solution to get to the end of turtle season. He said it would probably take 120-days to get through the permitting process for the permanent solution. He said that he would issue a beach service permit.

Ms. Sanderson said that Mr. Jeffries could condition the permit by stating that they have to keep the beach cleared until the end of turtle season by storing the equipment on the seawall and then work on the permanent solution.

Mr. Daige asked when they do this temporary permit, how would they handle the Code where it states no outside storage. He asked if the permit would need to state that this was not permitted in the Code, but would be okay for this particular establishment to do it for a certain amount of days.

Mr. Jeffries said as the Planning Director, he has the authority to do that.

Mr. Price moved that the Board finds that there is a violation, that the violation conditions, that the Board issues a Board order to correct the violation within 10-days from the date of the Board order or continuing civil penalties in the amount of \$100.00 per day shall commence the first day after the original compliance date of August 3, 2023, until corrected and that the initial civil penalty has been paid. Mr. Pizzichillo seconded the motion and it passed unanimously.

Mr. Price explained to Mr. Siam that he has 10-days to get the permit with the exclusion from Mr. Jeffries and that he and Mr. Jeffries would work out the rest.

Mr. Siam asked to be clear, he was redoing the permit that was denied by Ms. Lafferty.

Mr. Jeffries said he would issue the permit.

- i. CASE #23-CE-13335 / 3418M**
VIOLATOR: Paul Crespi (owner) and RG Landscaping & Lawn Maintenance LLC / Rodrigo Cruz Garcia (Registered Agent – Occupant)
VIOLATION: Property being used for vehicle and truck and trailer storage without City of Vero Beach Planning Department approval – Code Section 60.21 (b)(2)
VIOLATION ADDRESS: 1913 22nd Avenue, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

Ms. Sanderson reported that the property is in compliance. She asked that the Board finds that the property is in compliance and issue a Board order to pay.

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

At this time, Mr. Paul Crespi (property owner) paid the initial civil penalty of \$50.00.

- j. CASE #23-CE-13344 / 0985J**
VIOLATOR: Jean Tully and Christopher James Mooney (owners) / Ryan A. Jones & Associates (Contractor)
VIOLATION: Sign violation – Code Section 38.09 (l)(1)
VIOLATION ADDRESS: 840 Flamevine Lane, Vero Beach, Florida 32963
(Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- k. CASE #23-CE-13349 / 3414M – Repeat Violation**
VIOLATOR: Thanh Mai and Thuyen T. Le
VIOLATION: Weeds, grass, or undergrowth at a height of more than 12-inches – Code Section 38-31 (a)(b)(1)

VIOLATION ADDRESS: 1346 16th Avenue, Vero Beach, Florida
32960

(Failure to pay \$500.00 civil penalty)

Ms. Sanderson reported that the property is in compliance and the citation has not been paid.

Mr. Thanh Mai, Property Owner, who has been sworn in, said that he was sorry for the violation. He lives in Orlando and his gardener sends him a bill.

Mr. Price said that he needed a more reliable lawn service.

Ms. Melody said there have been multiple cases at this property and knowing that the citation amount would be \$500.00 she tried to give them time to comply, but most of the time the grass gets up to three (3) or four (4) feet and the neighbors get upset. She said the lawn needs to be maintained and he (Mr. Mai) needs to have a reliable lawn service or someone locally who can advise him when the lawn is not being mowed.

Mr. Mai said that he has hired a new company.

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 \$500.00. Mr. Pizzichillo seconded the motion and it passed unanimously.

I. CASE #23-CE-13351 / 0986J – Repeat Violation

VIOLATOR: Carlton E. Smith and Carol A. Smith (Owners)

VIOLATION: Unsheltered items on multiple sides of the property including parts of the fence – Code Section 38-31 (a)(b)(5)

VIOLATION ADDRESS: 1756 35th Avenue, Vero Beach, Florida
32960

(Failure to comply)

Ms. McGee reported that this is a repeat violation. The civil penalty has been paid and the property is not in compliance. She reported that the original compliance date was August 24, 2023.

Mrs. Carol Smith, Property Owner, who has been sworn in, stated that she has been trying to keep the grass cut with a weed eater ever since their maintenance person retired. As to the unsheltered items, their family owned Don Smith's Paint Store and their lease expired and they were given a court date to have the premises cleared. She said that it was only her and her son who are clearing out the store. She said all the unsheltered items was coming from the store. She reported that they completed vacating the store last night and have located another spot for the store. She said the fence on the property keeps falling down from the wind.

Mr. Price asked how long she felt it would take her to bring the property into compliance.

Mr. Bryant said so they were emptying the store and bringing the stuff to their house. He asked if they could throw some of the stuff away.

Mrs. Smith said they have a small trailer that they have been using. She said they have more to take, however they had to get the stuff out of the store.

Ms. McGee reported that the property has been in violation on and off since 2019.

Mr. Bryant asked how much time does she need to comply.

Mrs. Smith asked for two (2) months to come into compliance.

Mr. Price asked how do they know that this was not going to keep happening.

Mrs. Smith said that her cousin gave them their lawnmower so the grass will be taken care of and they will fix the fence. She said they would continue to take the items still in their yard to the dump.

Mr. Pizzichillo asked if they intended to take these items to the dump in the little trailer that they have (photographs included in Exhibit A).

Mrs. Smith said that is all they have.

Mr. Pizzichillo said that he did not know if they could get everything done in two (2) months with the little trailer.

Ms. Lauer said her issue is that some of the stuff does not look like it came from a paint store. It looks like it has been there for a while.

Mr. Daige recommended that the Board allows 90-days to comply.

Ms. Lauer felt that 90-days seemed like a lot and this was a repeat violation. She said some of the items has been there for a long time.

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 90-days from the date of the Board order or continuing civil penalties in the amount of \$250.00 per day shall commence the first day after the original compliance date of August 24, 2023, until corrected and that the initial civil penalty has been paid. Mr. Pizzichillo seconded the motion and it passed 6-1 with Ms. Lauer voting no.

- m. CASE #23-CE-13385 / 0998J**
VIOLATOR: Highland Avenue Properties LLC (Owner) / Barry G. Segal, P.A. (Registered Agent)
VIOLATION: Trees and Clusia/hedges planted in the City right-of-way – Code Section 59-12 (a)
VIOLATION ADDRESS: 1556 Highland Avenue, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- n. CASE #23-CE-13386 / 0999J**

VIOLATOR: Highland Avenue Properties LLC (Owner) / Barry G. Segal, P.A. (Registered Agent)

VIOLATION: Trees and Clusia/hedges planted in the City right-of-way – Code Section 59-12 (a)

VIOLATION ADDRESS: 1566 Highland 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 #23-CE-13387 / 1000J

VIOLATOR: Highland Avenue Properties LLC (Owner) / Barry G. Segal, P.A. (Registered Agent)

VIOLATION: Trees and Clusia/hedges planted in the City right-of-way – Code Section 59-12 (a)

VIOLATION ADDRESS: 1586 Highland 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 #23-CE-13388 / 1001j

VIOLATOR: Highland Avenue Properties LLC (Owner) / Barry G. Segal, P.A. (Registered Agent)

VIOLATION: Trees and Clusia/hedges planted in the City right-of-way – Code Section 59-12 (a)

VIOLATION ADDRESS: 1590 Highland 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 #23-CE-13389 / 1002J

VIOLATOR: Highland Avenue Properties LLC (Owner) / Barry G. Segal, P.A. (Registered Agent)

VIOLATION: Trees and Clusia/hedges planted in the City right-of-way – Code Section 59-12 (a)

VIOLATION ADDRESS: 1598 Highland 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-11255 / 2986M

VIOLATOR: Robert A. Heckler

VIOLATION: Fence installed without Code Compliance Certification from the City of Vero Beach Planning Department or building permits from the Indian River County Building Department – Code Sections – 64.05 (a)(b)(7); 22-106; 22-181

VIOLATION ADDRESS: 1545 20th Avenue, Vero Beach, Florida 32960

(Request from Code Enforcement Officer to find compliance on of September 5, 2023, to cease continuing penalties and to pay initial civil penalty, accrued civil penalties, and costs)

Ms. Sanderson reported that the property was found in compliance on September 5, 2023. She asked that the Board find the property in compliance and to cease the continuing penalties.

Mr. Price moved that the Board finds that the property is in compliance as of September 5, 2023, to cease the continuing penalties as of September 5, 2023, and to pay the accrued penalties and costs. 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

A. Authorization to File a Lien Foreclosure Case

- **Case #20-CE-11380 / 3096M**

Violator: John Desjardins

Violation Address: 2675 10th Court, Vero Beach, Florida

Mr. Turner asked for the Board's authority to file a lien foreclosure against Mr. John Desjardins at 2675 10th Court. He said that he has obtained the City Council's direction and authorization and he needs the Board's direction and authorization.

Mr. Price made a motion for Case #20-CE-11380 to authorize the City Attorney to file a lien foreclosure case. Mr. Daige seconded the motion and it passed unanimously.

Add on Item:

B. CASE #19-CE-10137

- **Violator:** James Frank Osteen, Jr.

Violation Address: 601 Flamevine Lane

Mr. Turner said this case came to staff's attention over the last few days and it is time sensitive, which is the reason that he added it to today's agenda. He said this involves a piece of property where a contractor was working and the property owner discovered that the contractor was not licensed and brought it to the attention of the Indian River County Building Officials who investigated it and issued a violation against the contractor for unlicensed contracting. The violation was filed against the contractor individually, but it also included the address where the contractor was working. A Board order was entered and the person who owned the property and turned the contractor in never received notice of the citation, the proceedings, or that the Board order was going to be entered against them and a lien would be placed on their property. All the notices came back unclaimed or return to sender. He said the property owner is selling the property, which is how the lien was discovered. He said it has always been his position for an order to go out against a violator they have to have notice of the proceedings. Normally he would suggest that this go before the City Council, but because it is time sensitive this Board does have jurisdiction. He said under Section 2-303 (g) of the City's Ordinance it provides that if the violator is not responsible for the violation, the violator shall not be liable for payment of civil penalties, fines and costs. Therefore, if there is a finding that the property was not in violation, that it was the contractor then the Board would have jurisdiction to address it and direct that it not be a lien against this address. He said the Deputy City Clerk reached out to the Indian River County Building Officer and they reported that it was their intention not to cite the homeowner; that it was only to cite the contractor in violation. He said that the Board could address this and issue a partial release of lien on this property.

Mr. Price made a motion for Case #19-CE-10137 to issue a partial release of lien for the property located at 601 Flamevine Lane. Mr. McDonald seconded the motion and it passed unanimously.

11. CHAIRMAN'S MATTERS

None

12. MEMBER'S MATTERS

None

13. ADJOURNMENT

Today's meeting adjourned at 2:51 p.m.

/sp