

CODE ENFORCEMENT BOARD MINUTES
Wednesday, September 14, 2022 – 1:30 p.m.
City Hall, Council Chambers, Vero Beach, Florida

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

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 10, 2022

Mr. Price made a motion to adopt the minutes of the August 10, 2022 Code Enforcement Board meeting. Mrs. Hillman seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Mr. Pizzichillo requested that he be marked as being present for today's meeting. He said after the meeting was called to order it wasn't stated who was present and who was not present.

At this time, the Deputy City Clerk performed the roll call. There was a full Board present.

Ms. Melody Sanderson, Code Enforcement Officer, who has been sworn in, asked that the Board wait to hear Case #22-CE-12677 – Thomas J. Ruck until later on in the meeting. She explained that she met with the property owner and he was going to be in attendance today so she would like to postpone this case because he may be running late. She then pulled Case #22-CE-12703 – Jessica and Gage Humeny from today's agenda. She reported that the Code was going to be adjusted. She then pulled Case #22-CE-12726 – St. Lucie Enterprises LLC / William Knight and The American Pavers Contractor, Inc. / Elias Mendoza from today's agenda. She reported that the property was brought into compliance.

Ms. Jamila McGee, Code Enforcement Officer, who has been sworn in, pulled Case #22-CE-12568 – Melissa R. Moore from today's agenda. She reported that the citation has been withdrawn because there was not a violation. She then pulled Case #22-CE-12669 – Mark A. Biggles, Jr. and Romeena H. Biggles / Bankers Maintenance and Inspection LLC, Michael Hooker from today's agenda. She reported that the property came into compliance after the Notice of Hearing was received.

Mr. Price made a motion to adopt the agenda as amended. 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

1. Request for Board Order

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

- a. CASE #22-CE-12377 / 0466J**
VIOLATOR: Calvary Chapel of Vero Beach / James Gallagher
VIOLATION: Use of parking without permits from the Planning Department – Code Section 60.21
VIOLATION ADDRESS: 1018 18th Street, Vero Beach, Florida 32960
(Case previously heard by the Board – Request motion for a Board order)

Ms. McGee reported that this case was heard by the Board last month and the incorrect compliance date was given. The date of July 7, 2022 was given and the correct compliance date was April 26, 2022.

Mr. Price asked is the property in compliance.

Ms. McGee answered no. She reported that the Board allowed 90-days to correct the violation.

Mr. Mike Ochsner, Administrative Pastor of Calvary Chapel, who has been sworn in, said since the last hearing he began to read the Code. He reported that Section 61.07 of the Code talks about offstreet parking and it refers to Chapter 63 of the Code. Section 63.02 (a) refers to offstreet parking, which is what they are talking about in this case. Section 63.10 (d) states that non-paved parking can be infrequent daily uses. The only requirement is that an engineer must certify use of adequacy. Section 63.10 (d)(2)(c) states something about allowing one (1) use per week. He said they used the area for parking on a Sunday and on a Thursday and then they received a citation. He said no one bothered to tell them that if they used it once a week that apparently they were not in violation. He questioned how this works.

Mr. Price said so his concern is how to become compliant.

Mr. Ochsner said they have submitted the plans to jump through all the hoops, which includes a retention pond, removal of a tree, etc. He said if all they have to do is only use the

property for parking once a week then that seems like the easy solution. He said they could testify that is all they were going to do.

Mr. Bryant explained to Mr. Ochsner that he needs to start with the Planning Director, Mr. Jason Jeffries.

Mr. Price explained that the Board's concern is that they come into compliance, but how they comply is up to staff.

Mr. Price made a motion that the Board amends the Board order from last month when this case was heard to reflect the compliance date of April 26, 2022. Mr. Pizzichillo seconded the motion and it passed unanimously.

- b. CASE #22-CE-12661 / 3435M – Repeat Violation**
VIOLATOR: Casa Investimento Per Nicholas LLC / Tyler Gold (Agent)
VIOLATION: Public nuisance; trees on site have dead limbs and bee hive(s), large dead limb(s) falling off trees – Code Section 38-31 (b)(4)
VIOLATION ADDRESS: 1748 23rd Street, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$100.00 civil penalty)

Ms. Sanderson submitted into evidence photographs of the property (Exhibit A). She reported that service of the citation was provided by certified mail. The civil penalty has not been paid. She reported that this came in as a complaint. She said there was a wind storm and a tree limb fell across the front of the property. One (1) of the photographs shows a gentleman holding his baby who was in the living room when the limb fell so they are trying to expedite getting this tree removed. She reported that she spoke with the property management company just prior to today's hearing and was told that the permit was issued on August 11th, however it was sent to one (1) of their employee's personal email and the company just now received it. She said the Property Manager told her that they are prepared to remove the trees.

Mrs. Hillman said that she does not have any monetary concerns with this property, however it is directly across the street from her. She reported that she personally sent pictures and letters to the property owner of a tree that was on the opposite side of this duplex. She said that tree fell on the roof and stayed there for five (5) months. She asked Mr. Turner if she could discuss this case, as well as vote on it.

Mr. John Turner, City Attorney, questioned so you have made complaints regarding the condition of this property in the past.

Mrs. Hillman said that is correct. She said that she sent them directly to the property owner.

Mr. Turner questioned so you have not made any complaints to the Code Enforcement office.

Mrs. Hillman answered no.

Mr. Turner felt that this would probably rise to the level of a conflict that she would have regarding this case because of her close proximity and her previous interactions with the property owner. He explained to Mrs. Hillman that if she wanted to be recused from this matter that she had good grounds to do that.

Mrs. Hillman asked if she was permitted to discuss this case.

Mr. Turner said that would not be fair because she was not listed as a witness.

Mrs. Hillman recused herself from this case.

Mr. Turner asked the woman at the dais if she had any objections with a Board member recusing themselves.

Ms. Julian Arce, Property Manager with Coldwell Banker Paradise, who has been sworn in, answered no. She said that she is the local representative for the property owner.

Mr. Turner asked Ms. Arce if she has authority to speak for the property owner.

Ms. Acre answered yes. She stated that she has a property management agreement contract with the property owner.

Mr. Turner questioned so you are the local agent.

Ms. Acre answered yes. She reported that she didn't receive any of the complaints until the middle of July. That is when they filed the permit to remove the trees.

Mr. Turner explained that he was trying to look at her standing as the property owner's agent, which he felt was fine. He questioned so she has standing to be present and to bind the company she works for as an agent, as well as the property owner.

Ms. Acre answered yes.

Mr. Turner told the Board that they can proceed with this case.

Ms. Sanderson reported that she was told the tree was scheduled to be removed Saturday. She asked that the Board finds that there is a violation, the violation continues, that the Board allows 10-days to correct the violation and that they pay the initial civil penalty of \$100.00.

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 \$100.00 per day shall commence on the original compliance date of July 21, 2022, until corrected and to pay the initial civil penalty of \$100.00. Mr. McDonald seconded the motion and it passed unanimously.

Ms. Acre asked that their local address of 1950 US1 be used if there are any violations found because she would not have been aware of this citation if the tenant hadn't let her know.

- c. **CASE #22-CE-12677 / 3443M**
VIOLATOR: Thomas J. Ruck
VIOLATION: Land development code violation; carport/canopy installed without City approval or a building permit – Code Section 60.21 (b)(1)
VIOLATION ADDRESS: 2135 20th Avenue, Vero Beach, Florida 32960
(Failure to comply)

*Please note that this item was heard after item 5-B) 1q, on today's agenda.

Ms. Sanderson reported that service of the citation was provided by certified mail. She met with the property owner on Monday and was told that he would be hiring a contractor to complete the permitting process. This morning the property owner went to the Planning Department and found out that a survey needed to be done; that there might be an issue of the carport being in the side yard setback. He was going to go home to measure the setback and meet her this afternoon at 1:15 p.m. However, she has not heard back from him so now she does not know if he was going to apply for a permit for the carport or remove it so she was unsure of the time frame to allow to come into compliance.

Mr. Daige suggested allowing 180-days to comply.

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 180-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 August 9, 2022, until corrected and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

d. CASE #22-CE-12680 / 3444M

VIOLATOR: Frank V. Ellis (Tr) fbo Ann C. Ellis Revocable Living Trust (Owner) and Michael A. and Chrystal M. Slosson (Tenants)

VIOLATION: Public nuisance; Dwelling unit has feces, urine, household garbage and roach infestation – Code Section 38-31 (b)(8)

VIOLATION ADDRESS: 2156 18th 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 certified mail. The civil penalty has not been paid. She reported that the tenants have been evicted and the property owner is in the process of having the property cleaned, as well as replacing some drywall, tiles, etc. She asked that the Board finds that there is a violation, that the violation continues, and that the Board allows 60-days from the date of the Board order to complete the cleanup, and that they pay the \$50.00 civil penalty. She said they are to call her to inspect the property upon completion.

Mr. Frank Ellis, property owner, who has been sworn in, said that he did not have anything else to add.

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 60-days from the date of the Board order or continuing civil penalties in the amount of \$50.00 per day shall commence on the original compliance date of August 5, 2022, until corrected and to pay the initial civil penalty of \$50.00. Mr. Pizzichillo seconded the motion and it passed unanimously.

e. CASE #22-CE-12703 / 3558M

VIOLATOR: Jessica and Gage Humeny

VIOLATION: Land development code violation; Vinyl fence installed without City approval or a building permit – Code Section 60.21 (b)(1)

VIOLATION ADDRESS: 2106 35th 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 #22-CE-12568 / 0616J**
VIOLATOR: Melissa R Moore
VIOLATION: Private wastewater disposal system violation –
Code Section 78-83 (a)(4)
VIOLATION ADDRESS: 1536 30th 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 #22-CE-12575 / 0618J**
VIOLATOR: Sloan Fields Drummonds
VIOLATION: Private wastewater disposal system violation –
Code Section 78-83 (a)(4)
VIOLATION ADDRESS: 1546 34th Avenue, Vero Beach,
Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

Ms. McGee reported that there was no indication that the septic tank has been pumped out and no inspection report has been submitted. The \$50.00 civil penalty has not been paid.

Mr. Sloan Drummonds, property owner, who has been sworn in, said that he had no idea what the citation was for. He asked what he needed to do to comply.

Ms. McGee explained that the septic tanks has to be pumped out every five (5) years and an inspection report has to be submitted to the Water and Sewer Department.

Mr. Drummonds said that he would pay the \$50.00 civil penalty tomorrow and would call a company to pump out the tank.

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 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 August 1, 2022, until corrected and to pay the initial civil penalty of \$50.00. Mr. Daige seconded the motion and it passed unanimously.

- h. CASE #22-CE-12592 / 0614J**
VIOLATOR: All Bets Off LLC / Jeffrey Tomlinson (Agent)
VIOLATION: Private wastewater disposal system violation –
Code Section 78-83 (a)(4)
VIOLATION ADDRESS: 1565 30th Avenue, Vero Beach,
Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

Ms. McGee reported that no inspection report was submitted to indicate that the tank has been pumped and the civil penalty has not been paid.

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 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 July 29, 2022, until corrected and to pay the initial civil penalty of \$50.00. Mr. Pizzichillo seconded the motion and it passed unanimously.

- i. CASE #22-CE-12603 / 0624J**
VIOLATOR: Jaleel R. Nugent
VIOLATION: Private wastewater disposal system violation – Code Section 78-83 (a)(4)
VIOLATION ADDRESS: 1575 29th 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 no inspection report was completed to indicate that the system has been pumped out.

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 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 August 3, 2022, until corrected and to pay the initial civil penalty of \$50.00. Mr. Pizzichillo seconded the motion and it passed unanimously.

- j. CASE #22-CE-12607 / 0626J**
VIOLATOR: Stephen P. and Victoria L. Boyd
VIOLATION: Private wastewater disposal system violation – Code Section 78-83 (a)(4)
VIOLATION ADDRESS: 1576 31st 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 is not in compliance.

Mr. Stephen Boyd, property owner, who has been sworn in, said that he would pay the initial civil penalty tomorrow and would call Meek's Plumbing to come out to his property.

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 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 August 3, 2022, until corrected and to pay the initial civil penalty of \$50.00. Mr. Pizzichillo seconded the motion and it passed unanimously.

- k. CASE #22-CE-12669 / 0627J**
VIOLATOR: Mark A. Biggles, Jr. and Romeena H. Biggles (Owners) / Bankers Maintenance & Inspection LLC, Michael Hooker (Agent)
VIOLATION: Land development code violation; Tree removed without obtaining a permit from the City of Vero Beach Planning Department – Code Section 60.21 (b)(5)

VIOLATION ADDRESS: 1410 25th Avenue, Vero Beach,
Florida 32960
(Failure to comply)

This item was pulled from today's agenda.

- I. CASE #22-CE-12684 / 0631J**
VIOLATOR: Carol L. Kahle (Owner) / Manuel V. Estrada,
(Tenant)
VIOLATION: Land development code violation; Carport
installed without approval 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: 2233 17th Street, Vero Beach,
Florida 32960
(Failure to comply)

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

Mr. Manuel Estrada, tenant, who has been sworn in, said that he put up the carport and got caught. He spoke with the Code Officer and paid the civil penalty. He hired an engineer and was told that it would take a few months because he was behind in his work. He said that he would have the General Contractor pull the permits.

Mr. Bryant suggested that the Board allows 180-days to comply because everyone is backed up.

Mr. Daige said that he did not have a problem with allowing 180-days to comply.

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 180-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 August 16, 2022, until corrected and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

- m. CASE #22-CE-12721 / 3562M**
VIOLATOR: Kevin Robert Walsh
VIOLATION: Right-of-way encroachment; Trailer – Code
Section 71.03
VIOLATION ADDRESS: 30th Street off of US Highway 1
(Failure to pay \$50.00 civil penalty)

Ms. Sanderson reported that service of the citation was provided by certified mail and by property posting. She asked 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. 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 \$50.00 civil penalty. Mr. Pizzichillo seconded the motion and it passed unanimously.

- n. **CASE #22-CE-12728 / 3567M**
VIOLATOR: Kevin Robert Walsh
VIOLATION: Land development code violation; Property has not been approved for vehicle sales – Code Section 60.21 (b)(2)
VIOLATION ADDRESS: 1590 14th Avenue, Vero Beach, Florida 32960
(Failure to pay \$50.00 civil penalty)

Ms. Sanderson reported that service of the citation was provided by certified mail. She asked 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. 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 \$50.00 civil penalty. Mr. Daige seconded the motion and it passed unanimously.

- o. **CASE #22-CE-12726 / 3566M – Repeat Violation**
VIOLATOR: St. Lucie Enterprises LLC / William Knight (Agent) and The American Pavers Contractor, Inc. / Elias Mendoza (Agent)
VIOLATION: Required off-street parking violation – Code Section 63.02 (j)
VIOLATION ADDRESS: 1615 US Highway 1, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$150.00 civil penalty)

This item was pulled from today's agenda.

- p. **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
(Request from Code Enforcement Officer to find in compliance on August 9, 2022 and to cease the continuing penalties. The initial civil penalty of \$50.00 has not been paid.)

Ms. Sanderson reported that this case is back before the Board to cease the continuing civil penalties as of the compliance date of August 9, 2022.

Mr. Price moved that the Board finds that the property was in compliance as of August 9, 2022, to cease the continuing penalties as of August 9, 2022, and to pay the accrued continuing penalties and costs. Mr. McDonald seconded the motion and it passed unanimously.

- q. **CASE #21-CE-11697 / 0187J**
VIOLATOR: Oszkar Szentirmai
VIOLATION: Sewer use restrictions – Code Section 78-83 (a)(4)
VIOLATION ADDRESS: 836 Iris Lane, Vero Beach, Florida 32963

(Request from Code Enforcement Officer to find in compliance on August 9, 2022 and to cease the continuing penalties. The initial civil penalty of \$50.00 has not been paid.)

Ms. McGee reported that the property was found in compliance on August 9, 2022. She asked that the Board cease the continuing penalties.

Mr. Price moved that the Board finds that the property was in compliance as of August 9, 2022, and to cease continuing penalties as of August 9, 2022, and to pay the accrued continuing penalties and costs. Mr. Pizzichillo seconded the motion and it passed unanimously.

At this time, the Board went to item 5-B) 1c, on today's agenda.

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 2:19 p.m.

/sp