

CODE ENFORCEMENT BOARD MINUTES
Wednesday, September 15, 2021 – 1:30 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Eric Price; Vice Chairman, Stephen McDonald; Members: Linda Hillman, Frank Pizzichillo, Christopher Bryant 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

Excused Absence: Richard Kennedy

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 11, 2021 - Regular Meeting

Mrs. Hillman referred to pages 27, 28, and 29 of the August 11, 2021 Code Enforcement Board meeting minutes. She said the Attorney's name who spoke on behalf of the violator for Case #18-CE-8400 is listed as "Joran Ulrich" and his name is actually "Jordan Lulich."

Mr. McDonald made a motion to adopt the minutes of the August 11, 2021 Regular Code Enforcement Board meeting as amended. Mr. Daige seconded the motion and it passed unanimously.

2. August 26, 2021 – Special Call Meeting

Mr. McDonald made a motion to adopt the minutes of the August 26, 2021 Special Call Code Enforcement Board meeting. Mr. Daige seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Ms. Melody Sanderson, Code Enforcement Officer, pulled Case #21-CE-11857 – Vero Beach FL Propco, LLC / Interstate Agent Services, LLC, Agent from today's agenda for no service of the citation to the registered agent. She then pulled Case #21-CE-11919 – Sunshine Land Design, Inc. / Frankie Taylor, Agent and Case #21-CE-11925 – Sunshine Land Design, Inc. / Frankie Taylor, Agent from today's agenda. She reported that they are in compliance and the civil penalties have been paid.

Ms. Jamila McGee, Code Enforcement Officer, pulled Case #21-CE-11708 – Mark D. Ziegenbein and Case #21-CE-11716 - Fast Food Enterprises Llp, from today’s agenda. She reported that they are in compliance and the civil penalties have been paid.

Mr. Pizzichillo made a motion to adopt the agenda as amended. Mrs. Hillman 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 the items on today’s agenda were not heard in the order listed. All evidence produced during today’s hearings are on file in the City Clerk’s office.

1. Request for Board Order

a. CASE #21-CE-11719 / 3318M

VIOLATOR: B. Rotermund and W. Colwell (TRS) / The Ralph W. Rotermund Revocable Trust

VIOLATION: Failure to obtain site plan approval for the development of the property from the City Planning and Development Department – Code Section 64.06 (e)(1)

VIOLATION ADDRESS: 766 Fiddlewood Road, Vero Beach, Florida 32963

(Correction of Compliance Date)

Ms. Sanderson reported that this case was heard by the Board last month and there was an incorrect motion entered. She asked that the Board finds that there is a violation, that the violation continues, and 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 per day shall commence on the original compliance date of June 25, 2021.

Mr. McDonald 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 45-days from the date of the Board order or continuing civil penalties in the amount of \$50 per day shall commence on the original compliance date of June 25, 2021, until corrected and that the initial civil penalty has been paid. Mr. Pizzichillo seconded the motion and it passed unanimously.

b. CASE #21-CE-11658 / 3311M

VIOLATOR: Yin Xinjing

VIOLATION: Three (3) Oak Trees, one (1) Pine Tree, and Three (3) Palm Trees removed without a permit – Code Sections 72.41; 72.42; 72.43

VIOLATION ADDRESS: 2326 Bonita Avenue, Vero Beach,
Florida 32962

(Correction of Penalties)

Ms. Sanderson reported that this case was heard by the Board last month and the motion was made for continuing penalties to be \$1,800 per day and it should have been \$50 per day. She explained that the mitigation fee was \$1,750 and the civil penalty was \$50. She said the Board previously allowed 120-days to come into compliance, however she would like the Board to allow 90-days to come into compliance because she found some other issues with the property.

Mr. McDonald moved that the Board finds that there is a violation, that the violation continues, and that the Board issues a Board order to correct the violation within 90-days from the date of the Board order or continuing civil penalties in the amount of \$50 per day shall commence on the original compliance date of June 16, 2021, until corrected, and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

c. CASE #21-CE-11737 / 3323M

VIOLATOR: Indian River Sports Complex, Incorporated /
Derek Muller, Agent / Nakia Geller, Owner of Trailer

VIOLATION: Prohibited use of the property; Watercraft and
trailers stored on the property – Code Section 62.03

VIOLATION ADDRESS: 2665 12th Avenue, Vero Beach,
Florida 32960

(Case continued from August 24, 2021, Hearing)

Ms. Sanderson reported that this case was heard by the Board last month and the violator, Mr. Derek Muller, had questions regarding his lease with the City in that he thought it was a permitted use to have jet skis on the site so the Board continued the case for one (1) month in order to give Mr. Muller time to speak with the Planning and Development Director to get clarification.

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

Mr. Jason Jeffries, Planning and Development Director, who has been sworn in, reported that this property is protected by the City Charter. He then referred to the Lease Agreement between the City and Indian River Sports Complex, Incorporated (on file in the City Clerk's office). He read in part from Section 5 – Use of Premises, *“use of the premises is strictly limited to public or civic purposes which also serve a recreational, artistic, or cultural purpose. Such uses shall be limited to those related to the tenant's mission of service to the public and community in promoting and conducting local and state-wide recreational baseball and related activities...”* He then read in part from Section 6 – Compliance with Laws, *“Tenant cannot use, maintain, or permit the occupation use of the premises in violation of any code, law, or requirement...”* He then read in part from Section 8 – Improvements, *“All work shall be performed in compliance with applicable laws, including, but not limited to City of Vero Beach Land Development Regulations...”* He explained that when a tenant is going to construct any improvements or use the property differently they would need to apply for Code Compliance Certification or a site plan with the Planning and Development Department. He reported that in this case no permit was ever requested for the storage of jet skis on the property. Therefore, permission was never granted by the City for that use of the property and they are in violation.

Ms. Sanderson clarified that the jet skis were removed from the property so the violation has been corrected.

Mr. Price said another issue with this case was the definition of “storing” the jet skis. He questioned parking the jet skis on the property during the day.

Mr. Jeffries said that is a violation of the Land Development Code. He explained that Chapter 164 of the City Code has very specific rules and the storing of watercraft is not permitted on this site.

Ms. Sanderson asked that the Board finds that there was a violation, that the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50.

Mr. Price thought one (1) of Mr. Muller’s (violation) arguments was that the jet skis were on the property for the benefit of the children.

Mr. McDonald said what Mr. Muller needed to do was to submit a site plan that includes having the jet skis.

Mr. Jeffries reported that Mr. Muller did include a storage area in his site plan application, which is currently under review.

Ms. Sanderson noted that the civil penalty is \$150 because this is the third time this property was cited. The first time they were cited for trucks and trailers being stored on the property, then there was a boat and jet skis on the property, and this citation was for the storage of jet skis.

Mrs. Hillman made a motion that the Board finds that there is a violation, the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$150. Mr. McDonald seconded the motion and it passed unanimously.

d. CASE #21-CE-11543 / 3244M

VIOLATOR: Kim Hoggatt, as Trustee of the Kim Hoggatt Revocable Living Trust, dated August 30, 2011

VIOLATION: Code Compliance Certification and building permits required; wood on right-of-way – Code Sections 64.05 (e)(2)(b)(d); 22-181; 22-106; 71.03

VIOLATION ADDRESS: 1906 38th Avenue, Vero Beach, Florida 32960

(Case continued from the June 15, 2021, Hearing)

Ms. Sanderson reported that this case was previously heard by the Board and the last violation that needed to be resolved was for a shed that was installed without Code Compliance Certification or a building permit. She reported that the Board allowed more time to comply and continued this case to today’s hearing. She reported that Code Compliance Certification has been obtained and Ms. Hoggatt is present to give the Board an update on her progress in obtaining her building permit.

Ms. Kim Hoggatt, who has been sworn in, reported that she has been receiving quotes from engineers to the tune of about \$3,000. She also has been trying to get costs to have the shed removed and replaced with a new structure. She asked is there a way to have this

grandfathered in. She said that the shed has been there for about 30-years and she is the fourth homeowner. She said it was reroofed, inspected as a reroof and no one caught it.

Mr. Jason Jeffries, Planning and Development Director, who has been sworn in, explained that in order to be grandfathered in it has to be legally permitted through his office.

Ms. Sanderson reported that she has a reroof permit from 2006 for a metal roof.

Mr. Jeffries asked is it a permit for the primary structure or for all structures on the property.

Ms. Sanderson showed the Board and Mr. Jeffries a copy of the permit.

Mr. Jeffries said that he would need to check to see if they could get a copy of the actual permit because this information only states that it was for a reroof, which could mean that it was for the primary structure.

Mr. Daige asked was a permit pulled 30-years ago.

Ms. Sanderson answered no.

Mr. Daige said 30-years ago they did require permits for sheds and buildings.

Mr. Jeffries said Indian River County has permits going back to the 1950's.

Mr. McDonald asked how difficult is it for a property owner to take down a shed. He referred to the quote of \$3,000 just for the engineering work and stated that he didn't think it would cost that much to get a demolition permit to take down the shed and to replace it with a new shed.

Mr. Bryant asked Ms. Hoggatt if she did an archive request of the Building Department to see all of the plans and permits that were on file for the property.

Ms. Hoggatt said that she didn't do that, but she called the Building Department and they told her that there was not a permit for the shed.

Mr. Daige said the Building Department is not going to issue any permits without an Engineer's report. He said the cost for this is about \$3,000 or more. He said that she needs to make a decision on how much money she is willing to spend. He said that she would need to go through the same process for a new shed and it is going to cost about \$10,000 no matter what she chooses to do. If money is tight, it might be better to have the shed removed.

Ms. Sanderson asked that the Board continue this case in order to give Mr. Jeffries time to go to his office and check their records and the Building Department records to see if he can find how long the shed has been on the property.

Mr. Jeffries reentered the meeting at 2:29 p.m., and the Board went back to hearing this case.

Mr. Jeffries reported that there is not a permit for this shed. Based on the aerials that he found the shed was put in back in the 1990's. He reported that the reroof permit was for the residential structure.

Mr. McDonald asked the Board members if they wanted to give her more time.

Mr. Bryant suggested allowing 90-days to comply.

Ms. Sanderson suggested that the Board allow 60-days for Ms. Hoggatt to decide which way she wanted to go and 60-days to permit or demolish.

Mr. Price suggested that the Board allows 120-days to comply.

Mr. McDonald moved that the Board allows 120-days to resolve this issue and that in 60-days she is to contact Ms. Sanderson and let her know which way she was going. Mr. Pizzichillo seconded the motion.

Mr. Price noted that they needed to issue an official Board order.

Mr. McDonald 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 120-days from the date of the Board order or continuing civil penalties in the amount of \$50 per day shall commence on the original compliance date of April 20, 2021, until corrected and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

e. **CASE #21-CE-11579 / 0175J**

VIOLATOR: William Stephens, Jr. and Cynthia Stephens

VIOLATION: Fence installed without Code Compliance Certification from the Planning and Development Department – Code Section 64.05 (b)(7)

VIOLATION ADDRESS: 2045 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. William Stephens, Jr., who has been sworn in, stated that he filled out all the paperwork and received a request that the City needed a drawing. He said that he mailed in a drawing to the City and was told that the City never received it. He never heard anything else until he received the citation for \$50, which he thought was because he didn't do this correctly so he paid it. He asked what he needed to do to come into compliance.

Ms. McGee explained that he needed to go to the Planning and Development Department and complete the Code Compliance Certification process.

Mr. Pizzichillo questioned if it would be reasonable to allow 30-days to comply.

Mr. Bryant suggested that they allow 45-days to comply.

Mr. McDonald 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 45-days from the date of the Board order or continuing civil penalties in the amount of \$50 per day shall commence on the original compliance date of August 4, 2021, until corrected and that the initial civil penalty of \$50 has been paid. Mr. Pizzichillo seconded the motion and it passed unanimously.

- f. **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
(Failure to comply; Failure to pay \$50 civil penalty)

Ms. McGee reported that the required septic tank pumpout and inspection has not been completed and the civil penalty remains unpaid. The property remains in violation.

Ms. Sanderson reported that Mr. Rob Bolton is present for today's meeting to give the Board a synopsis on why the pumpout is required.

Mr. Rob Bolton, Water and Sewer Director, who has been sworn in, gave some history on the City's STEP System. He briefly went over the City's requirements for pumpout and inspection of septic systems with the Board members.

Mr. McDonald 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 30-days from the date of the Board order or continuing civil penalties of \$50 per day shall commence on the original compliance date of August 16, 2021, until corrected and to pay the initial civil penalty of \$50. Mr. Pizzichillo seconded the motion and it passed unanimously.

- g. **CASE #21-CE-11708 / 0202J**
VIOLATOR: Mark D. Ziegenbein
VIOLATION: Sewer use restrictions – Code Section 78-83 (a)(4)
VIOLATION ADDRESS: 908 Jasmine Lane, Vero Beach, Florida 32963
(Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

- h. **CASE #21-CE-11716 / 0157J**
VIOLATOR: Fast Food Enterprises Llp
VIOLATION: Dumpster enclosure in disrepair – Code Section 66-11 (6)(b)
VIOLATION ADDRESS: 1928 US Highway 1, Vero Beach, Florida 32960
(Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

- i. **CASE #21-CE-11800 / 0170J**
VIOLATOR: 920 Greenway LLC / Patrick Spalding
VIOLATION: Public nuisance – Weeds, grass, or undergrowth at a height of more than 12-inches – Code Section 38-31 (a)(b)(1)

VIOLATION ADDRESS: 920 Greenway Lane, Vero Beach,
Florida 32963

(Failure to pay \$50 civil penalty)

Ms. McGee reported that the property is in compliance and the civil penalty has not been paid. She asked that the Board finds that there was a violation, that the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50.

Mr. Price made a motion that the Board finds there was a violation, the violation has been corrected, that the Board issues a Board order to pay the initial civil penalty of \$50. Mr. Pizzichillo seconded the motion and it passed unanimously.

- j. **CASE #21-CE-11836 / 3357M – Repeat Violation**
VIOLATOR: Thanh Mai and Thuyen T. Le
VIOLATION: Public nuisance – 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 \$250 civil penalty)

Ms. Sanderson reported that service of the citation was provided by posting of the property. She reported that the violation has been corrected and the civil penalty has not been paid. She asked 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 \$250.

Mr. Thanh Mai, who has been sworn in, said the violation has been corrected.

Mr. McDonald asked is there a reason why the lawn is not being mowed.

Mr. Mai said that he lives far away from here, however he now has a friend who is mowing the lawn monthly.

Mr. Daige suggested that he have his lawn mowed at least twice a month.

Mr. McDonald 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 \$250. Mr. Pizzichillo seconded the motion and it passed unanimously.

- k. **CASE #21-CE-11856 / 3364M**
VIOLATOR: Vero Beach FL Propco LLC / Interstate Agent Services LLC, Agent
VIOLATION: Prohibited signs – Code Section 38.17 (s)
VIOLATION ADDRESS: 2180 10th Avenue, Vero Beach, Florida 32960
(Failure to pay \$50 civil penalty)

Ms. Sanderson reported that the violation has been corrected and the civil penalty has not been paid. 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.

Mr. Price moved that the Board finds there was a violation, that the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50. Mr. McDonald seconded the motion and it passed unanimously.

- i. CASE #21-CE-11857 / 3365M**
VIOLATOR: Vero Beach FL Propco LLC / Interstate Agent Services LLC, Agent
VIOLATION: Failure to obtain Business Tax Receipt – Code Section 70-62
VIOLATION ADDRESS: 2180 10th Avenue, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

- m. CASE #21-CE-11863 / 3370M**
VIOLATOR: Vero Beach FL Propco LLC / Interstate Agent Services, Agent
VIOLATION: Prohibited signs – Code Section 38.17 (s)
VIOLATION ADDRESS: 2180 10th Avenue, Vero Beach, Florida 32960
(Failure to pay \$50 civil penalty)

Ms. Sanderson reported that the violation has been corrected and the civil penalty has not been paid. 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.

Mr. Price moved that the Board finds there was a violation, that the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50. Mr. McDonald seconded the motion and it passed unanimously.

- n. CASE #21-CE-11864 / 3371M**
VIOLATOR: Vero Beach FL Propco LLC / Interstate Agent Services, Agent
VIOLATION: Prohibited signs – Code Section 38.17 (s)
VIOLATION ADDRESS: 2180 10th Avenue, Vero Beach, Florida 32960
(Failure to pay \$50 civil penalty)

Ms. Sanderson reported that the violation has been corrected and the civil penalty has not been paid. 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.

Mr. Price moved that the Board finds there was a violation, that the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50. Mr. McDonald seconded the motion and it passed unanimously.

- o. CASE #21-CE-11865 / 3372M**
VIOLATOR: Vero Beach FL Propco LLC / Interstate Agent Services, Agent
VIOLATION: Prohibited signs – Code Section 38.17 (s)

VIOLATION ADDRESS: 2180 10th Avenue, Vero Beach,
Florida 32960

(Failure to pay \$50 civil penalty)

Ms. Sanderson reported that the violation has been corrected and the civil penalty has not been paid. 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.

Mr. Price moved that the Board finds there was a violation, that the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50. Mr. Pizzichillo seconded the motion and it passed unanimously.

- p. **CASE #21-CE-11860 / 0196J**
VIOLATOR: George E. Denekas
VIOLATION: Vehicle restrictions on private property – Code
Section 74-82 (a)
VIOLATION ADDRESS: 1635 41st Avenue, Vero Beach,
Florida 32960
(Failure to comply; Failure to pay \$50 civil penalty)

Ms. McGee reported that the citation was for a truck weighing over 5,000 pounds on the property. The civil penalty has not been paid and the property is not in compliance.

Mr. George Denekas, who has been sworn in, said that he purchased the truck to move his stuff to Florida. He said the truck broke down and he is not in the position to get it fixed. He didn't know that having the truck on his property was a violation. He said it is a box truck that he used to move here and is currently using it for storage because he cannot afford to pay for storage. He said that he did plan to use the truck for work, but it broke down. He asked if he is allowed to park the truck anywhere on his property.

Mr. McDonald asked is the truck registered with plates on it.

Mr. Denekas answered no. He said it did have a Virginia plate on it, but it has expired.

Mr. Pizzichillo asked does the truck weigh over 5,000 pounds.

Mr. Denekas said that he didn't know how much the truck weighed. He said it is probably close to that.

Ms. McGee handed the Board members a photograph of the truck.

Mr. Daige said another situation with the vehicles is that it doesn't have a plate on it, which according to the City's Code vehicles are required to have plates on them.

Mr. Denekas said that he plans to sell the truck, but he can't sell it until it is fixed.

Mr. Daige said that he understands that Mr. Denekas does not have the funds to fix the truck. He suggested that he find some way to have the truck towed to a place where it could be stored until he has the funds to fix it.

Mr. McDonald said currently he has a \$50 fine and he doesn't want to get into a situation where there are continuing daily penalties.

Mr. McDonald suggested allowing 60-days to comply.

Mr. Pizzichillo agreed.

Mr. Daige suggested that they allow 90-days to comply.

Mr. Denekas said if the Board allows him 90-days, if he has to give the truck away he would.

Mr. McDonald moved that the Board finds there is a violation, that the violation continues, and that the Board issues a Board order to correct the violation within 90-days from the date of the Board order or continuing civil penalties in the amount of \$50 per day shall commence on the original compliance date of August 5, 2021, until corrected and to pay the initial civil penalty of \$50. Mr. Pizzichillo seconded the motion and it passed unanimously.

- q. **CASE #21-CE-11859 / 3367M**
VIOLATOR: Donald and Nancy McAdams (owners) and Robin Burgarella (Realtor) – Dale Sorensen Realtors
VIOLATION: Sign violation – Code Section 38-09 (1)(1)
VIOLATION ADDRESS: 1045 26th Street, Vero Beach, Florida 32960
(Failure to pay \$50 civil penalty)

Ms. Sanderson reported that the violation has been corrected and the civil penalty has not been paid. 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.

Mr. Price moved that the Board finds that there was a violation, that the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50. Mr. Daige seconded the motion and it passed unanimously.

- r. **CASE #21-CE-11873 / 3375M**
VIOLATOR: VDI, Inc. / 11 Acres, Inc., c/o Paul Feldman, PA
VIOLATION: Public nuisance – Trash and rubbish throughout the property – Code Section 38-31 (a)(b)(5)
VIOLATION ADDRESS: 3400 block of US Highway 1, Vero Beach, Florida
(Failure to comply)

Ms. Sanderson reported that service of the citation was provided by certified mail. The civil penalty has been paid and the violation has not been corrected. She asked that the Board finds that there is a violation, that the violation continues, and that the Board issues a Board order to correct the violation within 30-days from the date of the Board order or continuing civil penalties in the amount of \$50 per day shall commence on the original compliance date of August 11, 2021, until corrected and that the initial civil penalty has 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 per day shall commence on the original compliance date of August 11, 2021, until

corrected and that the initial civil penalty has been paid. Mr. McDonald seconded the motion and it passed unanimously.

- s. **CASE #21-CE-11919 / 3297M**
VIOLATOR: Sunshine Land Design, Inc. / Frankie Taylor, Agent
VIOLATION: Illicit discharge – Code Sections 73.33; 73.45
VIOLATION ADDRESS: 100 Dahlia Lane, Vero Beach, Florida 32963
(Failure to comply; Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

- t. **CASE #21-CE-11925 / 3305M**
VIOLATOR: Sunshine Land Design, Inc. / Frankie Taylor, Agent
VIOLATION: Illicit discharge – Code Sections 73.33; 73.45
VIOLATION ADDRESS: 100 Dahlia Lane, Vero Beach, Florida 32963
(Failure to comply; Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

- u. **CASE #20-CE-11377 / 3093M**
VIOLATOR: Thanh Mai and Thuyen T. Le
VIOLATION: Public nuisance – 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
(Code Officer found in compliance on August 17, 2021. Continuing penalties from January 21, 2021 through August 16, 2021 = 208 days x \$150 per day = \$31,200, plus the original civil penalty of \$150 = \$31,350, plus costs and fees)

Ms. Sanderson reported that this case was found in compliance at the same time that the other violation was found in compliance (case that was heard by the Board earlier in today's meeting regarding the same property address). She asked that the Board finds that there was a violation, that the violation has been corrected and to cease the continuing penalties as of August 16, 2021, and to pay the original civil penalty of \$150. She reported that this case was initiated in January, 2021, so the grass was not mowed for eight (8) months.

Mr. Pizzichillo asked Mr. Mai why didn't he take care of this quickly.

Mr. Thanh Mai, who has been sworn in, said that he lives in Orlando.

Mr. Price explained that he had a violation on this property for eight (8) months with continuing penalties of \$150 per day, which now totals over \$31,000.

Mr. Price moved that the Board finds the property in compliance as of August 16, 2021, to cease the continued penalties as of August 16, 2021, and to pay the accrued

continuing penalties and costs and to the initial civil penalty of \$150. Mr. Bryant seconded the motion and it passed unanimously.

6. OLD BUSINESS

None

7. ADMINISTRATIVE MATTERS

None

8. CLERK'S MATTERS

None

9. ATTORNEY'S MATTERS

None

10. CHAIRMAN'S MATTERS

None

11. MEMBER'S MATTERS

Mrs. Hillman said there is a citizen who is watching today's meeting and she needs it clarified as to how she would be able to get a full cost on a property that has liens, abatements, and tax records against it. She said that this citizen has not accepted answers from the Deputy City Clerk or the Code Enforcement Officer. She asked Mr. Turner to please publically tell her how to get this property off of a lien so that she could purchase it.

Mr. John Turner, City Attorney, said that he didn't think it was appropriate for him to give this citizen any legal advice. He said that he is the Board's Attorney. However, under normal circumstances all liens would have to be resolved before a clear title could be given to a purchaser.

Mrs. Hillman said that she would like to apologize to the City Council and to the City Attorney. She said there was a misunderstanding of several citizens that she would not accept the funds from Mr. Scott McCracken. She explained that it wasn't that she was against it, but it was that Mr. McCracken never showed up for any of the Code Enforcement Board hearings and she wanted that on the record. She wanted the citizens to understand that when they go against the Code and against Board orders. She said that she was against reducing what was owed, but she is happy that the City did receive the funds.

Mr. Turner said the City is moving forward with these cases and people are going to learn that the Board's orders mean something and is not something to be ignored.

Mr. Pizzichillo commended Mr. Turner on the way he handled Mr. McCracken's cases and the other cases that come before the Board.

Mr. Daige said it was stated to the City Council a few weeks ago that a check for the fines would be sent to the City. He asked has that occurred.

Mr. Turner answered yes. He said the City received a wire transfer.

Mr. Pizzichillo asked how many Code Enforcement Board cases is the City Council pursuing at this time.

Mr. Turner reported that he is working with the Deputy City Clerk on a list of cases that have large outstanding fines.

12. ADJOURNMENT

Today's meeting adjourned at 3:09 p.m.

/sp