

CODE ENFORCEMENT BOARD MINUTES
Wednesday, October 11, 2023 – 1:30 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Eric Price; Vice Chairman, Stephen McDonald; Members: 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

Excused Absence: Christopher Bryant

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. September 13, 2023

Mr. Price made a motion to adopt the minutes of the September 13, 2023 Code Enforcement Board meeting. Mr. McDonald seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Ms. Jamila McGee, Code Enforcement Officer, who has been sworn in, pulled Case #23-CE-13413 / Taiza M. Oliveira / Dinora Ayala Diaz from today's agenda. She reported that she did not receive receipt of the citation. She then pulled Case #23-CE-13432 – 827 19th Place LLC / Frederick J. Piumelli from today's agenda. She reported that the property was in compliance.

Ms. Melody Sanderson, Code Enforcement Officer, who has been sworn in, pulled Case #23-CE-13304 – Maxwell Properties, Inc. / James R. Maxwell, Case #23-CE-13317 – Todd Durand (Trs), Case #23-CE-13345 – Robert H. Plante, Jr. and Pamela M. Plante, Case #23-CE-13348 – James Riley Bryant and Sara Elizabeth Prescott Bryant / FBO James Riley Bryant 2019 Revocable Trust,, Case #23-CE-13431 / Bruce Sharp, Jr., and Case #23-CE-13434 / Theodore A. McCarthy and Katharina A. McCarthy-Pesch from today's agenda. She reported that they came into compliance after receiving the Notice of Hearing.

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

a. 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)

Ms. McGee reported that the property is not in compliance and the \$50.00 civil penalty has not been paid. She stated that the trees have been removed, however a permit is required for the hedges. The original compliance date was September 1, 2023.

Mr. Price asked Ms. McGee how many days she wanted to give them to comply.

Ms. McGee answered 14-days.

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 14-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 September 1, 2023, until corrected and to pay the initial civil penalty of \$50.00. Mr. McDonald seconded the motion and it passed unanimously.

*Please note that the Board came back to this item after hearing item 5-B) 1 b on today's agenda.

Mr. Turner explained to the Board that they could reconsider this case, withdraw their findings and continue the matter to next month's Board hearing.

Mr. Price made a motion that the Board sets aside their finding and postpones the matter to next month's meeting. Mr. McDonald seconded the motion and it passed unanimously.

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

b. 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)

Ms. McGee reported that the property was not in compliance and the \$50.00 civil penalty has not been paid.

Mr. John Turner, City Attorney, reported that this violation was brought to the City Manager and the claim was that the width of the right-of-way was not clear as to if it was a 50-foot right-of-way or a 70-foot right-of-way. As it turned out the width of the right-of-way was 70-feet. After consultation, the City Manager offered to them that they could keep the hedge, but the trees had to be removed. Mr. Turner said that he did not hear anything back on if they accepted that or if they were proceeding with removing the trees. He said Ms. McGee indicated that the trees were removed, which to him would be that they agreed to remove the trees and keep the hedges. He asked the Board to table these cases to be heard at their meeting next month. He said that he would like to get this resolved before the Board proceeds any further.

Mr. Price said the Board made a ruling on the first case.

Mr. Turner said the Board would have to go back to the first case and hold it in abeyance until staff gets a resolution if that is the will of the Board.

Mr. Price made a motion that the Board postpones this case to their next meeting. Mr. McDonald seconded the motion and it passed unanimously.

Mr. Daige questioned the civil penalties.

Mr. Turner said that he thought they were going to pay them. He said they defiantly have to be paid.

Mr. Daige asked on each case, is the civil penalty going to be paid.

Mr. Turner said the civil penalties would have to be paid.

Mr. Pizzichillo said that his concern was hedges that could obstruct vehicles and pedestrians from being able to see.

Mr. Turner said that he would double check to make sure that the hedge does not obstruct any views.

Mr. Price made a motion that the Board goes back to item 5-B) 1a on today's agenda. Mr. McDonald seconded the motion and it passed unanimously.

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

- c. **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)

- d. **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)

- e. **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)

Mr. Price made a motion that the Board postpones Case #23-CE-13387, Case #23-CE-13388 and Case #23-CE-13389 to their next meeting. Mr. McDonald seconded the motion and it passed unanimously.

- f. **CASE #23-CE-13304 / 3460M – Repeat Violation**
VIOLATOR: Maxwell Properties, Inc. (Owner) / James R. Maxwell (Registered Agent)
VIOLATION: Uhaul rental trucks beyond approved display area and stored on the East side of the property and on the right-of-way at the rear of the property – Code Section 60.21 (b)(2)
VIOLATION ADDRESS: 1146 21st Street, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$150.00 civil penalty)

This item was pulled from today's agenda.

- g. **CASE #23-CE-13317 / 3423M**
VIOLATOR: Todd Durand (Trs) FBO The 33rd Ave #1941 Land Trust
VIOLATION: Weeds, grass, or undergrowth at a height of more than 12-inches – Code Section 38-31 (a)(b)(1)

VIOLATION ADDRESS: 1941 33rd Avenue, Vero Beach, Florida
32960
(Failure to comply)

This item was pulled from today's agenda.

- h. CASE #23-CE-13325 / 1024J**
VIOLATOR: NCCO 2 LLC / Fred Piumelli (Registered Agent)
VIOLATION: Solid waste collection service – Code Section 66-12
(1)(c)
VIOLATION ADDRESS: 1835 20th Avenue, Vero Beach, Florida
32960
(Failure to comply)

Ms. McGee reported that the civil penalty has been paid and the property was not in compliance. The original compliance date was September 25, 2023. She asked that the Board allows 10-days from the date of the Board order to come into compliance.

Mr. Price moved that the Board finds that there was a violation, that the violation continues, 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 \$50.00 per day shall commence the first day after the original compliance date of September 25, 2023, until corrected and that the initial civil penalty has been paid. Mr. McDonald seconded the motion and it passed unanimously.

- i. CASE #23-CE-13345 / 3424M**
VIOLATOR: Robert H. Plante, Jr. and Pamela M. Plante
VIOLATION: Weeds, grass, or undergrowth at a height of more than 12-inches – Code Section 38-31 (a)(b)(1)
VIOLATION ADDRESS: 540 Acacia Road, Vero Beach, Florida
32963
(Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- j. CASE #23-CE-13348 / 3427M**
VIOLATOR: James Riley Bryant (TR) and Sara Elizabeth Prescott Bryant (TR) (Owners) / FBO James Riley Bryant 2019 Revocable Trust
VIOLATION: Weeds, grass, or undergrowth at a height of more than 12-inches – Code Section 38-31 (a)(b)(1)
VIOLATION ADDRESS: 4106 Silver Palm Drive, Vero Beach, Florida 32963
(Failure to comply)

This item was pulled from the agenda.

- k. CASE #23-CE-13399 / 1007J**

VIOLATOR: Simon Holdings LLC (Owner) / Bernabe Simon
(Registered Agent)

VIOLATION: Gravel added to yard requires approval from the
Vero Beach Planning Department – Code Section 60.21 (b)(1)

VIOLATION ADDRESS: 2135 18th Street, Vero Beach, Florida
32960

(Failure to comply)

Ms. McGee reported that the civil penalty has been paid and the property was not in compliance. The original compliance date was September 8, 2023. She noted that the Code Compliance application was submitted yesterday and they are awaiting approval. She asked that the Board allows 30-days to come into compliance.

Mr. Bernard Simon, who has been sworn in, said that Mr. Bernabe Simon was his father and that he would be speaking on his behalf. He said that when they purchased the property there was already gravel there, however it was very small and every time a car would go over it the tires would spin. He said that they felt the best solution was to replace it with larger gravel. He said that they did not know that they needed a permit.

Ms. McGee reported that they added more gravel than what was originally there.

Mr. Daige asked for a photograph of the property to be shown.

Ms. McGee submitted a photograph into evidence marked as Exhibit A (on file in the City Clerk's office).

Mr. Price questioned if 30-days was enough time to receive their permit.

Mr. McDonald said everyone that he speaks with is having a hard time getting a permit.

After discussion, the Board agreed to allow 60-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 60-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 September 8, 2023, until corrected and that the initial civil penalty has been paid. Mr. Pizzichillo seconded the motion and it passed unanimously.

I. CASE #23-CE-13413 / 1013J

VIOLATOR: Taiza M. Oliveira (L) (Owner) / Dinora Ayala Diaz
(Tenant)

VIOLATION: Converting shed into a dwelling unit without
obtaining approval from the City and necessary permits – Code
Section 60.21 (b)(2)

VIOLATION ADDRESS: 734 18th Place, Vero Beach, Florida
32960

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

This item was pulled from today's agenda.

- m. **CASE #23-CE-13426 / 1020J – Repeat Violation**
VIOLATOR: Jaleel R. Nugent
VIOLATION: Weeds, grass, or undergrowth at a height of more than 12-feet – Code Section 38-31 (a)(b)(1)
VIOLATION ADDRESS: 1575 29th Avenue, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$150.00 civil penalty)

Ms. McGee reported that the property was not in compliance and civil penalty has not been paid. The original compliance date was September 20, 2023.

Mr. Pizzichillo asked for photographs of the property.

Ms. McGee submitted into evidence photographs of the property marked as Exhibit A (on file in the City Clerk's office).

Mr. Daige questioned the rectangle box with a pile of dry wood shown in the photograph.

Ms. McGee said that was a separate violation.

Mr. Daige asked is the house occupied.

Ms. McGee answered yes.

Mr. Daige asked is the house occupied by a tenant or the property owner.

Ms. McGee said the house was occupied by the property owner.

Mr. McDonald asked Ms. McGee if she has spoken with the property owner.

Ms. McGee reported that she received a telephone call from the property owner just before today's hearing and was told that they plan to mow the grass this week.

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 10-days from the date of the Board order or continuing civil penalties in the amount of \$150.00 per day shall commence the first day after the original compliance of September 20, 2023, until corrected and to pay the initial civil penalties of \$150.00.

- n. **CASE #23-CE-13431 / 3461M**
VIOLATOR: Bruce Sharp, Jr.
VIOLATION: Weeds, grass, or undergrowth at a height of more than 12-feet – Code Section 38-31 (a)(b)(1)
VIOLATION ADDRESS: 1085 29th Street, 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-13432 / 1027J – Repeat Violation**
VIOLATOR: 827 19th Place LLC / Frederick J. Piumelli
(Registered Agent)
VIOLATION: Weeds, grass, or undergrowth at a height of more than 12-feet – Code Section 38-31 (a)(b)(1)
VIOLATION ADDRESS: 835 22nd Street, Vero Beach, Florida 32960
(Failure to comply)

This item was pulled from today's agenda.

- p. CASE #23-CE-13434 / 3464M**
VIOLATOR: Theodore A. McCarthy and Katharina A. McCarthy-Pesch
VIOLATION: Weeds, grass, or undergrowth at a height of more than 12-inches – Code Section 38-31 (a)(b)(1)
VIOLATION ADDRESS: 2800 10th Avenue, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

This item was pulled from 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

Mr. Daige reported that some of the member terms on the Board were up and they were all reappointed for another four (4) year term.

13. ADJOURNMENT

Today's meeting adjourned at 1:55 p.m.

/sp