

CODE ENFORCEMENT BOARD MINUTES
Wednesday, October 13, 2021 – 1:30 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Eric Price; Vice Chairman, Stephen McDonald; Members: Linda Hillman, Richard Kennedy, 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

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 15, 2021

Mr. Price made a motion to adopt the minutes of the September 15, 2021 Code Enforcement Board meeting. Mr. Pizzichillo 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 #21-CE-11664 – Marilyn Richardson from today's agenda. She reported that she received a telephone call from Mrs. Richardson who stated that she no longer wishes to appeal the citation and that she would come into compliance and pay the civil penalty. She then pulled Case #21-CE-11750 – Renee Z. Keller from today's agenda. She reported that the civil penalty was paid after receiving the Notice of Hearing. She then pulled Case #21-CE-11801 – Kathleen Mancuso from today's agenda. She reported that they came into compliance after receiving the Notice of Hearing.

Ms. Melody Sanderson, Code Enforcement Officer, who has been sworn in, pulled from today's agenda Case #21-CE-11890 – John David Moore, Case #21-CE-11899 – Brian Aldo and Nichole Dapelo, and Case #21-CE-11920 – Jennifer Leigh Boudet Deany and Linda Boudet from today's agenda. She reported that they were all in compliance.

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

1. **CASE #21-CE-11664 / 0238J**
VIOLATOR: Marilyn Richardson
VIOLATION: Sewer use restrictions – Code Section 78-83 (a)(4)
VIOLATION ADDRESS: 538 Live Oak Road, Vero Beach, Florida 32963

This item was pulled from today's agenda.

B) Non-Compliance / Compliance Reports

1. Request for Board Order

- a. **CASE #21-CE-11469 / 3175M**
VIOLATOR: Jacob Snead
VIOLATION: Permit required for doors installed on the north side of the house – Code Section 22-181; 22-106
VIOLATION ADDRESS: 2221 8th Avenue, Vero Beach, Florida 32960
(Failure to comply)

Ms. Sanderson reported that service of the citation was provided by certified mail. As of this morning the property was still in violation. Mr. Snead is present for today's hearing.

Mr. Scott Snead, who has been sworn in, reported that his son, Mr. Jacob Snead, lives in North Carolina and is the property owner. He said they are in the process of trying to resolve this issue. He said that he has obtained an engineer and his son told him yesterday that he would be applying for the permit this weekend.

Mr. McDonald said it is currently taking months to obtain a permit. He asked has the paperwork been submitted.

Mr. Snead said his son received the application for the permit, but it has not been submitted yet.

Ms. Sanderson asked that the Board allow 60-days to come into compliance or continuing civil penalties of \$50 per day commencing on the original compliance date of June 8, 2021, until corrected, enforcement costs of \$121.52 and that the initial civil penalty has been paid.

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 60-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 8, 2021, until corrected, that the initial civil penalty has been paid, and to pay the costs of \$121.52. Mr. Pizzichillo seconded the motion and it passed unanimously.

- b. **CASE #21-CE-11750 / 0182J**
VIOLATOR: Renee Z. Keller

VIOLATION: Vehicles parked in required front yard – Code Section 74-82 (d)

VIOLATION ADDRESS: 1912 25th Avenue, Vero Beach, Florida 32960

(Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

c. CASE #21-CE-11801 / 0224J

VIOLATOR: Kathleen Mancuso

VIOLATION: Public nuisance – Inoperable two (2) door vehicle and trailer with no plate on property – Code Sections 38-32 (a)(1); 74-82 (a)

VIOLATION ADDRESS: 1576 Highland Avenue, Vero Beach, Florida 32960

(Failure to comply)

This item was pulled from today's agenda.

d. CASE #21-CE-11890 / 3282M

VIOLATOR: John David Moore

VIOLATION: Public nuisance – landscape debris on right-of-way; dead tree; wood fence panels in yard – Code Section 38-31 (a)(b)(5)

VIOLATION ADDRESS: 1535 38th Avenue, Vero Beach, Florida 32960

(Failure to comply)

This item was pulled from today's agenda.

e. CASE #21-CE-11899 / 3289M

VIOLATOR: Brian Aldo and Nichole Dapelo

VIOLATION: New brick paver driveway installed without Code Compliance Certification from the City of Vero Beach Planning and Development Department – Code Section 64.05 (11)(a)

VIOLATION ADDRESS: 4602 Sunset Drive, Vero Beach, Florida 32963

(Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

f. CASE #21-CE-11915 / 3294M

VIOLATOR: Gino A. Abbate and Michael Miller (tenant)

VIOLATION: Utilizing the property for boat and trailer storage – Code Sections 60.06; 61.03; 61.05; 71.03

VIOLATION ADDRESS: 1260 29th Street, Vero Beach, Florida 32960

(Failure to comply)

Ms. Sanderson reported that service of the citation was provided by certified mail and property posting. There have been several follow-up inspections and the property remains in

violation. She asked that the Board finds there was a violation, that the violation continues, and that the Board issues a Board order to correct the violation within five (5) days from the date of the Board order or continuing civil penalties in the amount of \$250 per day shall commence on the original compliance date of August 26, 2021, until corrected and enforcement costs of \$80 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 five (5) days from the date of the Board order or continuing civil penalties in the amount of \$250 per day shall commence on the original compliance date of August 26, 2021, until corrected, that the initial civil penalty has been paid, and that the enforcement cost of \$80 is due. Mr. McDonald seconded the motion and it passed unanimously.

g. CASE #21-CE-11916 / 3295M

VIOLATOR: Gino A. Abbate and Michael Miller (tenant)

VIOLATION: Public nuisance – Stripped, junked, inoperable, or unlicensed motor vehicles or boats, trailers, of any description or parts thereof, non-operable unlicensed car, vans, or motorhome – Code Section 38-32 (a)(1)

VIOLATION ADDRESS: 1260 29th Street, Vero Beach, Florida 32960

(Failure to comply)

Ms. Sanderson reported that service of the citation was provided by certified mail. She reported that the property is not in compliance and the civil penalty has been paid. She asked 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 five (5) 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 30, 2021, until corrected, and that the civil penalty has been paid. No cost of enforcement is requested.

Mr. Daige asked if it was the tenant who has the trailers and junk vehicles.

Ms. Sanderson said that she thinks it is.

Mr. Daige asked are they stripping the vehicles on the property.

Ms. Sanderson answered no. She explained that is verbiage of the Code section that was cited, but there are vehicles on site that do not have current license tags.

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 five (5) 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 30, 2021, until corrected, and that the initial civil penalty has been paid. Mr. McDonald seconded the motion and it passed unanimously.

h. CASE #21-CE-11920 / 3311M

VIOLATOR: Jennifer Leigh Boudet Deany and Linda Boudet

VIOLATION: Management of grass clippings and vegetative matter – Code Section 37-109

VIOLATION ADDRESS: 2002 Balboa Avenue, Vero Beach,
Florida 32960
(Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

- i. **CASE #21-CE-11924 / 3304M – Repeat Violation**
VIOLATOR: 1901 33rd Avenue, LLC / Sunshine Corporate Filings, LLC
VIOLATION: Public nuisance – Weeds, grass, or undergrowth at a height of more than 12 inches - Code Section 38-31 (a)(b)(1)
VIOLATION ADDRESS: 1901 33rd Avenue, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$100 civil penalty)

Ms. Sanderson reported that the citation was provided by certified mail and property posting. 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 \$100 with the enforcement cost of \$62.91.

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 \$100 plus enforcement costs of \$62.91. Mr. McDonald seconded the motion and it passed unanimously.

- j. **CASE #21-CE-11400 / 3114M**
VIOLATOR: Kaleigh Rhea Ann Romine
VIOLATION: Sanitary facilities violation; property occupied without water service – Code Sections 22-181; 302.1
VIOLATION ADDRESS: 1413 25th Avenue, Vero Beach, Florida 32960
(Code Officer found in compliance on September 9, 2021. Continuing penalties from February 10, 2021 through September 8, 2021 = 211 days x \$100.00 per day = \$21,100.00, plus costs and fees)

Ms. Sanderson reported that service of the citation was provided by property posting. The civil penalty of \$100 has not been paid. The property came into compliance when the City boarded the structure. She asked that the Board finds that the property is in compliance as of September 9, 2021, to cease the continuing penalties as of September 9, 2021, to pay the initial civil penalty of \$100, the accrued civil penalties and enforcement costs of \$84.43.

Mr. Pizzichillo asked is the house still boarded up.

Ms. Sanderson said maybe not.

Mr. Pizzichillo asked Ms. Sanderson, to her knowledge is there anyone living in the structure.

Ms. Sanderson said to her knowledge it is not currently occupied, but the homeowner has access.

Mr. Daige said so you are not sure if the house is boarded.

Ms. Sanderson said part of it is boarded, but the doorway is not so the homeowner has access to the home.

Mr. Daige asked are the windows boarded.

Ms. Sanderson said some of them are.

Mr. Daige asked does the home now have water and sewer.

Ms. Sanderson answered no.

Mr. Price asked what is the cost of boarding the windows.

Ms. Sanderson reported that an invoice was sent to the property owner and to the mortgage company. If it is not paid it would go before the City Council for a Special Assessment Lien.

Mr. Price moved that the Board finds the property in compliance as of September 9, 2021, to cease the continuing civil penalties as of September 9, 2021, to pay the accrued continuing penalties and costs and the initial civil penalty of \$100. Mr. McDonald seconded the motion and it passed unanimously.

6. OLD BUSINESS

None

7. ADMINISTRATIVE MATTERS

None

8. CLERK'S MATTERS

None

9. ATTORNEY'S MATTERS

Mr. John Turner, City Attorney, reported that he would be bringing the property located at 1941 33rd Avenue before the City Council for a possible \$27,000 lien foreclosure.

10. CHAIRMAN'S MATTERS

None

11. MEMBER'S MATTERS

None

12. ADJOURNMENT

Today's meeting adjourned at 1:57 p.m.

/sp