

CODE ENFORCEMENT BOARD MINUTES
Wednesday, November 8, 2023 – 1:30 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Eric Price; 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

Excused Absence: Stephen McDonald

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. October 11, 2023

Mr. Price made a motion to adopt the minutes of the October 11, 2023 Code Enforcement Board meeting. Mr. Pizzichillo 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-13347 – Roberto and Diana Salermo from today's agenda. She reported that they have hired an engineer and she was giving them more time to comply. She then pulled Case #23-CE-13424 – Albert S. Lowe, IV and Cara B. Lowe and Case #23-CE-13433 – Club and Powers Group LLC / Francesco Mazza from today's agenda. She reported that they came into compliance and the civil penalties were paid after receiving the Notice of Hearing.

Ms. Jamila McGee, Code Enforcement Officer, who has been sworn in, pulled the following cases from today's agenda, 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., and Case #23-CE-13389 - Highland Avenue Properties LLC / Barry G. Segal, P.A. She reported that the civil penalties have been paid.

Mr. Price made a motion to adopt the agenda as amended. Mr. Daige 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 pay \$50.00 civil penalty)

This item was pulled from 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 pay \$50.00 civil penalty)

This item was pulled from 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 pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- 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 pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- 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 pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- f. **CASE #23-CE-13427 / 1040J**
VIOLATOR: Jaleel R. Nugent
VIOLATION: Public nuisance / Tree parts and branches in the driveway – Code Section 38-31 (a)(b)(5)
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 the property is not in compliance. The original compliance date was October 18, 2023.

Mr. Price moved that the Board finds that there is a violation, 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 \$50.00 per day shall commence the first day after the original compliance date of October 18, 2023, until corrected and to pay the initial penalty of \$50.00. Mr. Daige seconded the motion and it passed unanimously.

- g. **CASE #23-CE-13347 / 3426M**
VIOLATOR: Roberto and Diana Salerno
VIOLATION: Pergola requires City of Vero Beach Planning and Zoning approval and a building permit from the Indian River County Building Department – Code Section 60.21 (b)(1)
VIOLATION ADDRESS: 901 Tropic Drive, Vero Beach, Florida 32963
(Failure to comply; Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- h. CASE #23-CE-13420 / 3456M**
VIOLATOR: Coldwell Banker Paradise (tenant) and 1950 US 1 Vero Beach LLC / Steven Schlitt (Registered Agent)
VIOLATION: Sign violation – Code Section 60.21 (b)(8)
VIOLATION ADDRESS: 1950 US Highway 1, Vero Beach, Florida 32960
(Failure to pay \$50.00 civil penalty)

Ms. Sanderson reported that the citation was issued by certified mail on September 19, 2023. The property is in compliance and the \$50.00 civil penalty has not been paid. She asked that the Board finds that there was a violation, the violation has been corrected and 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.

- i. CASE #23-CE-13424 / 3458M**
VIOLATOR: Albert S. Lowe, IV and Cara B. Lowe
VIOLATION: Weeds, grass, or undergrowth at a height of more than 12-inches – Code Section 38-31 (b)(1)
VIOLATION ADDRESS: 328 Indian Lilac Road, Vero Beach, Florida 32963
(Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- j. CASE \$23-CE-13433 / 3462M**
VIOLATOR: Club and Powers Group LLC / Francesco Mazza (Registered Agent)
VIOLATION: Fence installed without City of Vero Beach Planning and Zoning approval or a building permit from Indian River County – Code Section 60.21 (b)(1)
VIOLATION ADDRESS: 2086 34th Avenue, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- k. CASE #23-CE-13438 / 3463M**
VIOLATOR: LBG 123 LLC / Josephine D. Bailey (Registered Agent)
VIOLATION: Six (6) mini-split air conditioner units installed without permits – Code Section 60.21 (b)(1)
VIOLATION ADDRESS: 2204 Ponce de Leon Circle, Vero Beach, Florida 32960
(Failure to comply)

Ms. Sanderson reported that she spoke with Mrs. Josephine Bailey, property owner, and was told that she hired a contractor. She reported that the contractor is present for today's meeting to speak

on behalf of Mrs. Bailey. The citation was issued by certified mail on September 19, 2023 with a compliance date of October 3, 2023. The \$500.00 civil penalty has been paid. She asked that the Board finds that there is a violation and that the violation continues. She said that they would determine the timeframe to come into compliance after they speak with the contractor.

Mr. Dennis Anderson, Contractor, who has been sworn in, said it was his understanding that Mrs. Bailey's husband passed away and she was tasked with managing these properties.

Mr. Price asked Mr. Anderson how much time he would need to come into compliance.

Mr. Anderson asked for 30-days to come into compliance. He said that he would be meeting with the engineer on the property on Friday.

Ms. Sanderson asked that the Board allows 60-days to comply.

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 60-days from the date of the Board order or continuing civil penalties in the amount of \$500.00 per day shall commence the first day after the original compliance date of October 3, 2023. Mr. Daige seconded the motion and it passed unanimously.

I. CASE #23-CE-13441 / 3467M

VIOLATOR: Belinda Marie Banfield (Tenant) and JC Rental & Investments, Inc. / James B. Schlitt (Registered Agent)

VIOLATION: Public nuisance – Code Section 38-31 (a)(b)(5)(8)

VIOLATION ADDRESS: 1228 24th Street, Lot 33, Vero Beach, Florida 32960

(Failure to comply; Failure to pay \$100.00 civil penalty)

Ms. Sanderson entered into evidence photographs of the property (on file in the City Clerk's office) marked as Exhibit A), Exhibit B) and Exhibit C). The citation was issued on September 20, 2023, by hand delivery to the tenant and mailed to the property owner. The \$100.00 civil penalty has not been paid and the property is not in compliance. The compliance date was September 20, 2023.

Mr. Price asked how much time she was requesting for them to come into compliance.

Ms. Sanderson said because there has been 47 days without any substantial action she is requesting that the Board allows 10-days from the date of the Board order to come into compliance.

Mr. Price asked is the \$100.00 civil penalty because it was a repeat violation.

Ms. Sanderson said it was not a repeat violation. The civil penalty of \$100.00 was because of the violation. She said there have been other violations throughout the trailer park and everything goes under the property owner. She said the property owner is aware that he is responsible.

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 \$100.00 per day shall

commence the first day after the original compliance date of October 6, 2023, and to pay the initial civil penalty of \$100.00. Mr. Daige seconded the motion and it passed unanimously.

- m. **CASE #21-CE-11915 / 3294M**
VIOLATOR: Gino A. Abbate (Owner) and Michael Miller (Tenant)
VIOLATION: Utilizing the property for boat and trailer storage and right-of-way encroachment – Code Sections 60.06; 61.03; 61.05; 71.03
VIOLATION ADDRESS: 1260 29th Street, Vero Beach, Florida 32960
(Request of the Code Officer for the Board to find the property in compliance on August 26, 2023, to cease the continuing penalties and to pay cost of enforcement, continuing penalties, and costs and fees. The initial civil penalty of \$250.00 has been paid.)

Ms. Sanderson reported that the initial civil penalty of \$250.00 has been paid and the property was found in compliance on August 26, 2023. She asked that the Board finds the property in compliance and cease the continuing penalties as of August 25, 2023, and that the accrued continued penalties and costs be paid.

Mr. Price moved that the Board finds that the property is in compliance as of August 25, 2023, to cease the continuing penalties as of August 25, 2023, and that the accrued continued penalties and costs be paid. Mr. Daige seconded the motion and it passed unanimously.

- n. **CASE #23-CE-11916 / 3295M**
VIOLATOR: Gino A. Abbate (Owner) 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
(Request of the Code Officer for the Board to find the property in compliance on August 26, 2023, to cease the continuing penalties and to pay continuing penalties, and costs and fees. The initial civil penalty of \$50.00 has been paid.)

Ms. Sanderson reported that the initial civil penalty of \$50.00 has been paid. She asked that the Board finds the property came into compliance on August 26, 2023, and cease the continuing penalties as of August 25, 2023, and issues a Board order to pay the accrued continued penalties and costs.

Mr. Price moved that the Board finds that the property is in compliance as of August 26, 2023, to cease the continuing penalties as of August 25, 2023, and to pay the accrued continued 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

None

11. CHAIRMAN'S MATTERS

None

12. MEMBER'S MATTERS

None

13. ADJOURNMENT

Today's meeting adjourned at 1:50 p.m.

/sp