

CODE ENFORCEMENT BOARD MINUTES
Wednesday, November 10, 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, Cristopher 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. October 13, 2021

Mr. Price made a motion to adopt the minutes of the October 13, 2021 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 #21-CE-11655 – John and Linda Kastendiek and Case #21-CE-11943 – Segundo M. and Rubi Rodriguez from today's agenda. She reported that the civil penalties were paid after receiving the Notice of Hearing. She then pulled Case #21-CE-11968 – The American Pavers Contractor, Inc. / Noreen Johnson from today's agenda. She reported that the civil penalty was paid and the property was brought into compliance after receiving the Notice of Hearing.

Ms. Melody Sanderson, Code Enforcement Officer, who has been sworn in, pulled Case #21-CE-11951 – Xinjing Yin from today's agenda. She reported that the civil penalty has been paid. She then pulled Case #21-CE-11974 – Xinjing Yin from today's agenda. She reported that the property was brought into compliance and the civil penalty has been paid. She then pulled Case #21-CE-11991 – John Desjardins from today's agenda. She reported that the violator requested a continuance, which was granted by the Chairman. She then added Case #21-CE-11562 - Indigo Vero, LLC Yane F. Zana, Agent to today's agenda to be heard as 5B-1 (o).

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 #21-CE-11584 / 3282M

VIOLATOR: Geoffrey T. Guess

VIOLATION: Fence installed in front yard without Code Compliance Certification – Code Section 64.05 (b)(7)

VIOLATION ADDRESS: 2356 18th Avenue, Vero Beach, Florida 32960

(Failure to comply)

Ms. Sanderson reported that the violator was required to obtain an after the fact Code Compliance Certification for the fence in the front yard, which had a few conditions that have not been met. Service of the citation was issued by property posting. She asked that the Board finds that there was a violation, 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 in the amount of \$50.00 per day shall commence on the original compliance date of August 5, 2021, until corrected and the initial civil penalties have been paid. There are enforcement costs of \$95.35.

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 5, 2021, until corrected, that the initial civil penalty of \$50.00 has been paid, and that enforcement costs are due in the amount of \$95.35. Mr. McDonald seconded the motion and it passed unanimously.

b. CASE #21-CE-11655 / 0238J

VIOLATOR: John and Linda Kastendiek

VIOLATION: Sewer use restrictions – Code Section 78-83 (a)(4)

VIOLATION ADDRESS: 445 Date Palm Road, Vero Beach, Florida 32963

(Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

c. CASE #21-CE-11943 / 0245J

VIOLATOR: Segundo M. and Rubi Rodriguez

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

VIOLATION ADDRESS: 1965 31st Avenue, Vero Beach, Florida 32960

(Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

d. CASE #21-CE-11947 / 0263J

VIOLATOR: Mark E. and Diane B. Fetzer (Tr)

VIOLATION: Accessory structure (boat lift canopy) constructed without Code Compliance Certification; accessory structure does not comply with setback requirements – Code Sections 64.05 (9)(b); 61.13

VIOLATION ADDRESS: 1890 Cobia Drive, Vero Beach, Florida 32960

(Failure to comply; Failure to pay \$50 civil penalty)

Ms. McGee reported that the civil penalty has been paid and the property remains in violation. She asked that the Board finds that there was a violation, that the violation continues, and that the Board issues a Board order to correct the violation within 15-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 October 29, 2021, until corrected and that the initial civil penalty has been paid.

Mr. Price made a motion that the Board finds that there was a violation, that the violation continues, and that the Board issues a Board order to correct the violation within 15-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 October 29, 2021, and that the initial civil penalty has been paid. Mr. Pizzichillo seconded the motion and it passed unanimously.

e. CASE #21-CE-11949 / 0236J

VIOLATOR: Living Coastal Real Estate / Scott Thiel (Broker)

VIOLATION: Sign violation – Code Section 38.09 (l)(1)

VIOLATION ADDRESS: 1776 40th Avenue, Vero Beach, Florida 32960

(Failure to comply; Failure to pay \$50 civil penalty)

Ms. McGee reported that the civil penalty has not been paid and the property is not in compliance. The citation was issued on October 11, 2021, which was posted on the sign and has been removed.

Mr. Scott Thiel, Broker with Living Coastal Real Estate, who has been sworn in, submitted into the record a photograph of the sign (on file in the City Clerk's office). He said the citation states over three (3) feet high and over three (3) square feet in area. He is not sure what they are talking about. He understands about the right-of-way, but 15-feet off the property line to post a sign is crazy in his line of work. He said that if they can't put up a professional for sale sign in someone's yard to help them sell their home that was ridiculous.

Mr. Bryant told Mr. Thiel that before he starts making all these claims, he waived his right to an appeal. He said the Board is allowing him to speak,, but he waived right to appeal.

Mr. Thiel said that he is a Real Estate Broker and not a Board member. He apologized to the Board.

Mr. Price asked what does the Code state with regards to real estate signs.

Ms. McGee reported that the signs can be a maximum of three (3) square feet in area and a maximum of three (3) feet in height.

Mr. Pizzichillo asked Mr. Thiel what are the dimensions of his sign.

Mr. Thiel said the sign itself is 18 x 24, which is exactly three (3) feet and that does not include the post and the sign on top of it.

Mr. Price asked the Code Officer what would need to be done to bring the sign in compliance.

Ms. Sanderson explained that according to Code, in a residential zone a sign cannot be more than three (3) square feet in size or three (3) feet in height and that applies to any type of sign.

Mr. Daige asked Ms. McGee when she noticed the violation if she notified the Real Estate Company that there was a situation with their sign.

Ms. McGee reported that she sent a letter by certified mail, which was returned so she posted it on the sign.

Mr. Thiel said that he didn't realize that placing a sign that is on a professional yard arm that is permitted in every other city in the Country was a violation in this City. He said this sign is not greater than three (3) square feet.

Mr. McDonald said it is not the square footage, but the height.

Mr. Thiel said the citation also states greater than three (3) feet in area. He reported that he moved the sign and reduced it to an unprofessional sign that sits six (6) inches off the ground.

Ms. McGee reported that in addition to the sign being three (3) square feet, there was an additional sign on top of it, which increased the square footage.

Mr. Thiel said that he would pay the fine. He just wanted to make his statement. He said this is ridiculous and it is an old archaic Code that needs to be abolished and they should allow people to put up for sale signs that are professional.

Ms. McGee asked that the violation be corrected within three (3) days from the date of the Board order or continuing civil penalties in the amount of \$50 per day with the original compliance date of October 18, 2021, until corrected and to pay the initial civil penalty of \$50.

Ms. Sherri Philo, Deputy City Clerk, asked if they could allow a little longer than three (3) days because with the mail it doesn't give the alleged violator ample time to receive the Board order.

Mr. Daige asked Ms. Philo what would be a reasonable amount of time for the mail.

Ms. Philo said it could take three (3) to five (5) days for them to receive the Board order in the mail.

Mr. Daige asked would seven (7) days be reasonable.

Ms. McGee agreed to allow seven (7) days.

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 seven (7) 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 October 18, 2021, until corrected, and to pay the initial civil penalty of \$50.00. Mr. McDonald seconded the motion and it passed unanimously.

- f. **CASE #21-CE-11950 / 0237J**
VIOLATOR: Living Coastal Real Estate / Scott Thiel (Broker)
VIOLATION: Sign violation – Code Section 38.09 (l)(1)
VIOLATION ADDRESS: 1715 40th Avenue, Vero Beach, Florida 32960
(Failure to pay \$50 civil penalty)

Ms. McGee reported that the property is in compliance and the civil penalty remains unpaid.

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 \$50.00. The motion was seconded and it passed unanimously.

- g. **CASE #21-CE-11968 / 0243J – Repeat violation**
VIOLATOR: The American Pavers Contractor, Inc. / Noreen Johnson
VIOLATION: Pavers installed without Code Compliance Certification from the Vero Beach Planning and Development Department
VIOLATION ADDRESS: 786 Dahlia Lane, Vero Beach, Florida 32963
(Failure to comply; Failure to pay \$150 civil penalty)

This item was pulled from today's agenda.

- h. **CASE #21-CE-11951 / 3312M – Repeat violation**
VIOLATOR: Xinjing Yin
VIOLATION: Public nuisance – Weeds, grass, or undergrowth over 12 inches in the back yard – Code Section – 38-31 (a)(b)(1)

VIOLATION ADDRESS: 2326 Bonita Avenue, Vero Beach,
Florida 32960
(Failure to pay \$100 civil penalty)

This item was pulled from today's agenda.

- i. CASE #21-CE-11974 / 3321M – Repeat violation**
VIOLATOR: Xinjing Yin
VIOLATION: Roof installed without a permit – Code
Sections 22-181; 22-106
VIOLATION ADDRESS: 2326 Bonita Avenue, Vero Beach,
Florida 32960
(Failure to comply; Failure to pay \$100 civil penalty)

This item was pulled from today's agenda.

- j. CASE #21-CE-11979 / 0256J**
VIOLATOR: Vero Beach Little League Baseball / Jason
Pomar (President)
VIOLATION: Sign violation – Code Section 38-11 (e)
VIOLATION ADDRESS: 3699 18th Street, Vero Beach,
Florida 32960
(Failure to pay \$50 civil penalty)

Ms. McGee reported that the property was found in compliance and the civil penalty remains unpaid. 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 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. Pizzichillo seconded the motion and it passed unanimously.

- k. CASE #21-CE-11986 / 3326M – Repeat violation**
VIOLATOR: Timothy B. Young
VIOLATION: Public nuisance – Weeds, grass, or
undergrowth at a height of more than 12-inches – Code Section
38-31 (a)(b)(1)
VIOLATION ADDRESS: 2512 Atlantic Boulevard, Vero
Beach, Florida 32960
(Failure to comply; Failure to pay \$250 civil penalty)

Ms. Sanderson reported that service of the citation was by property posting. Inspection on October 19, 2021, showed that the front yard had been mowed, however the back yard and the west side of the yard had not been mowed. As of today, the property remains in violation. She asked that the Board finds 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 \$250.00 per day shall commence on the original compliance date of October 19, 2021, until corrected and that the initial civil penalty of \$250.00 has not been paid. There are enforcement costs of \$61.38.

Mr. Pizzichillo said this is a repeat violation and he is sensitive to any repeat violations and something that deals with health, which is high weeds and grass deals with health. He felt that the Board had to be very strong when it deals with health.

Mr. Daige asked Ms. Sanderson if she could tell from looking at the home that there could be a possible situation where this person could not get the work done and that they have problems financially.

Ms. Sanderson said the property owner is her age and she thinks that there could be some issues, which is why she tried to work with him and issued him a warning citation. She said that the house is not in the best shape.

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 \$250.00 per day shall commence on the original compliance date of October 19, 2021, until corrected, to pay the initial civil penalty of \$250.00, plus \$61.38 in costs. Mr. Pizzichillo seconded the motion and it passed unanimously.

*Please note that as the Chairman read the title of the next case Mr. Wilford Hart entered the Chambers to be heard.

The Deputy City Clerk swore in Mr. Wilford Hart.

Mr. Wilford Hart, who has been sworn in, said that he was waiting in the lobby and was listening to this case. He said it disturbed him when he heard the question asked if they felt the person (violator) could afford to pay and they talked about the home itself and now they want to charge this person \$250.00 per day. He said that he would like to be the one to pay for this individual. He said that he could get the person who mows his lawn to go over and mow this yard so that they can take care of this issue.

Ms. Sanderson asked Mr. Wilford if he goes to the property to have the lawn mowed that he communicates with Mr. Timothy Young, violator, to let him know they are on the property. She said if they let her know that the lawn has been mowed then she would waive the civil penalty.

Ms. Sanderson asked if this was permitted.

Mr. John Turner, City Attorney, nodded no.

Mr. Daige asked can the Board revisit this case.

Mr. Price asked if Mr. Hart has the lawn mowed, could someone else pay the penalties.

Mr. Turner said that he would like to know what the violation is, what the proposal is to bring the property into compliance, and what period of time they were talking about.

Ms. Sanderson reported that the back of the property and the west side of the property needs to be mowed.

Mr. Price said if the lawn gets mowed and the penalty and costs are paid then that would not affect the Board because it would meet all the requirements.

Mr. Turner asked who is going to be responsible for that.

Mr. Hart said that he would call the person who mows his yard and that he would pay the bill. He said that he heard this case being discussed while he was waiting in the lobby for someone to join him in a meeting that he had with Mayor Brackett and it disturbed him.

Mr. Turner asked who is the property owner.

Mr. Hart said that he doesn't know the person. He just has a heart for helping people.

Mr. Turner said it is great of him to step forward to do this. The issue they have is if it is not done for some reason, the violation then becomes a lien on the property. He said the issues regarding the condition of the property would have to be addressed as a health violation and through a nuisance action to correct it.

Mr. Hart said they were talking about mowing the property and he is willing pay someone to mow it.

Mr. Turner said that is great of him to do that and volunteering his services. He is not the owner of the property and if for some reason something happens and the violation doesn't get corrected, the City does not have any recourse. He said it is fine when people step up who want to help, but it should have occurred before now. He said the Board is going to have to proceed with the case as being in non-compliance and to allow a certain amount of days for correction.

At this time, Mr. Bryant handed Mr. Hart the address of the property.

Ms. Sanderson asked Mr. Hart to let the property owner know he is on the property prior to mowing the lawn.

At this time, the Board went on to hear Case #21-CE-12009 – Matthew Ramirez.

- I. CASE #21-CE-11991 / 3330M – Repeat violation**
VIOLATOR: John Desjardins
VIOLATION: Failure to obtain Code Compliance Certification or building permits for the new brick pavers – Code Sections 64.05 (10)(a); 22-181; 22-106
VIOLATION ADDRESS: 1030 27th Street, Vero Beach, Florida 32960
(Failure to comply)

This item was pulled from today's agenda.

- m. CASE #21-CE-12009 / 3339M**
VIOLATOR: Matthew Ramirez
VIOLATION: Right-of-way encroachment (pavers and planters) – Code Section 71.03
VIOLATION ADDRESS: 635 Holly Road, Vero Beach, Florida 32963
(Failure to comply; Failure to pay \$50 civil penalty)

As the Chairman read the Case number for this case a gentleman entered the Chambers requesting to speak. The Board went back to the case that was just heard (Case #21-CE-112009 – Timothy Young)

Ms. Sanderson reported that the violation has been corrected and the civil penalty has not been paid. She asked 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, that the violation has been corrected and that the Board issues a Board order to pay the initial civil penalty of \$50.00. Mr. Daige seconded the motion and it passed unanimously.

- n. **CASE #21-CE-12052 / 3361M – Repeat violation**
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
(Failure to comply; Failure to pay \$150 civil penalty)

Ms. Sanderson reported that service of the citation was by hand delivery. There were follow up inspections done on October 27, 2021, November 3, 2021, and today. As of today there is still no water service at the house. She asked that the Board finds that there was a violation, that the violation continues, and that the Board issues a Board order to correct the violation within seven (7) days from the date of the Board order or continuing civil penalties in the amount of \$150 per day shall commence on the original compliance date of October 27, 2021, until corrected, to pay the initial civil penalty of \$150.00 along with enforcement costs of \$55.62.

Mrs. Hillman asked if the covering of the front door was still removed. She asked does the property owner have access to the property or was the front door boarded back up.

Ms. Sanderson explained that as a property owner she (Ms. Kaleigh Rhea Ann Romine) has the right to have access to her property. She said the front door remains uncovered so she does have the ability to access her property, but she cannot live there.

Mr. Pizzichillo said if anyone goes into the home there is a serious health problem from the standpoint of the Corona Virus or other viruses related to bacteria. He knows that the property owner has the right to enter the home, but that could create a situation.

Mr. Turner said it is a health and safety issue. He said that he thought the City was proceeding with nuisance repairs or corrections.

Ms. Sanderson said that is correct. She reported that the City boarded the property, as well as abated the property for the public nuisances occurring outside the home.

Mr. Turner reported that there was about \$2,000 in costs due to the City, which the City would be filing a foreclosure action or proceeding with something in that direction. He explained that even if this property may be homesteaded, on the basis of health and safety the City would have a claim for the cost for the corrections made to the property. He said that he does not know if Ms. Romine is entering the property or not, but the City is proceeding to try

to have it corrected by forcing her into either repairing the property or she would lose the property.

Ms. Sanderson reported that this property is under a “keep watch” by the Police Department. She reported that there also is an attorney that was hired by a family member who is seeking an alternative route to solve this issue.

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 seven (7) days from the date of the Board order or continuing civil penalties of \$150.00 per day shall commence on the original compliance date of October 27, 2021 until corrected, to pay the initial civil penalty of \$150.00, plus costs of \$55.62. Mr. Pizzichillo seconded the motion.

Mr. Daige asked since the property is under a “keep watch” by the Police Department, are there people entering and staying in the home for a period of time.

Ms. Sanderson said the property owner was on site.

Mr. Daige asked are there other individuals going into the home. He asked Ms. Sanderson if the Police Officers informs her if this occurs.

Ms. Sanderson answered no. She explained that she asked the Police Officers to let her know if the property is occupied.

Mr. Daige said the reason he was asking was because if there are people in the home they would need water and toilet facilities. He said the house could be closed down by the Building Department because of the sanitary facilities violation. He said there are other avenues to where this situation could be shut down.

Mr. Pizzichillo said that he would think there could be some laws under the Department of Health.

Mr. Daige said they could begin the process by going through the Building Department so the home could be shut down to where it is boarded up and people could not enter the home.

Ms. Sanderson said that she would ask the Building Department to red tag the home. She noted that the Department of Environmental Health does have an open case on this property.

The motion passed unanimously.

Add on item:

- o. CASE #21-CE-11562 / 3264M**
VIOLATOR: Indigo Vero, LLC / Yane F. Zana, Agent
VIOLATION: Sign violation
VIOLATION ADDRESS: 805 46th Place East, Vero Beach, Florida 32960

Ms. Sanderson reported that the property came into compliance on November 8, 2021. She asked that the Board finds that the property came into compliance as of November 8, 2021,

ceasing the continuing penalties as of November 8, 2021, and that they issue a Board order to pay the initial civil penalty, enforcement costs, and the accrued civil penalties.

Mr. Price moved that the Board finds that the property is in compliance as of November 8, 2021, ceasing the continuing penalties as of November 8, 2021, and to pay the initial civil penalty of \$50.00, the cost of enforcement of \$113.24, the accrued continued civil penalties and costs. 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

None

10. CHAIRMAN'S MATTERS

None

11. MEMBER'S MATTERS

None

12. ADJOURNMENT

Today's meeting adjourned at 2:15 p.m.

/sp