

**CODE ENFORCEMENT BOARD MINUTES**  
**Wednesday, April 13, 2016 – 2:00 p.m.**  
**City Hall, Council Chambers, Vero Beach, Florida**

**PRESENT:** Chairman, Kirk Noonan; Members: Stephen McDonald, Herbert Whittall, Christopher Bryant and Alternate Member #1, Eric Price **Also Present:** City Attorney, Wayne Coment; Code Enforcement Officer, Tom Ramsey; Code Enforcement Officer, Melody Sanderson and Deputy City Clerk, Sherri Philo

**Excused Absences:** Jeffrey McGann, Sue Shell, and Frank Pizzichillo

**1. CALL TO ORDER**

Today's meeting was called to order at 2:03 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 all witnesses present for today's meeting en masse.

**3. PRELIMINARY MATTERS**

**A) Adoption of Minutes – March 9, 2016**

**Mr. Noonan made a motion to adopt the minutes of the March 9, 2016 Code Enforcement Board meeting. Mr. McDonald seconded the motion and it passed unanimously.**

**B) Agenda Additions, Deletions and Adoption**

Mr. Ramsey referred to items 5-B) – 1a and 5-B) 1b – Charles Sullivan, Sr. He reported that Mr. Sullivan retained an attorney who has requested a continuance because he is out of town.

Mr. Wayne Coment, City Attorney, explained that the Clerk for the Board can grant a continuance of 30 days with the Chairman's consent. Any further continuance would need to be approved by the Board.

Ms. Melody Sanderson, Code Enforcement Officer, pulled item 5-B) 1L – Jungle Club Sport Complex / John Cairns / Katie Smith from today's agenda. She reported that the citation has been withdrawn.

**Mr. Noonan made a motion to adopt the agenda as amended. Mr. Bryant seconded the motion and it passed unanimously.**

**4. UNLICENSED CONTRACTORS/CITATIONS**

None

## 5. EVIDENTIARY HEARINGS

### A) Citation Appeals

#### 1. CASE #16-CE-6515 / 839M

**VIOLATOR:** Studio 14, LLC / Scott Redfield

**VIOLATION:** Sign violation

**VIOLATION ADDRESS:** 1962 14<sup>th</sup> Avenue, Vero Beach, Florida 32960

**(Repeat Violation \$200)**

Ms. Sanderson reported that Studio 14, LLC was cited as a repeat violation for having two (2) temporary signs placed on the premises during non-business hours. She reported that the citation was issued on March 11, 2016 with service of the citation provided by certified mail.

Mr. Scott Redfield reported that he is one of the owners of Studio 14, LLC. He said on February 29, 2016 a courtesy letter was sent to them from Officer Sanderson. He said that they received it on March 7<sup>th</sup> and they immediately complied. On Thursday, March 10, 2016, a sign was left out and on Friday March 11, 2016 they received a citation in the amount of \$200 for a second offence. He said the first citation occurred almost 2 ½ years ago, which was on Sunday, August 4<sup>th</sup> at 12:59 p.m. He said that he immediately called Officer Sanderson and said that they were open on that Sunday. He reported that Officer Sanderson told him that she spoke with her boss, Mr. Tim McGarry, and his remark was to pay the citation because they didn't have any scheduled classes. Mr. Redfield noted that they have classes throughout the week, but that is not their hours of operation. He said the citation that was cited 2 ½ years ago was unjust. This citation was just, but it should be the first citation and not a repeat violation.

Ms. Sanderson explained that the initial penalty for a sign violation is \$50 per sign and if it is a repeat violation the penalty would be \$100. In light of the circumstances Mr. Redfield is presenting, staff would agree to a \$50 penalty.

Mr. Price asked how do they determine if a business is open.

Ms. Sanderson said this citation was issued because no one was in the building.

Mr. Price asked what about the first citation.

Ms. Sanderson said it did not look like they were open because it did not appear that anyone was in the building and the door was locked.

Mr. Redfield said they were open at that time. He said that they were in violation under this current citation.

Mr. Price asked is the normal procedure to knock on the door and try to open it to see if they are open.

Ms. Sanderson said that is correct.

Mr. Whittall asked Ms. Sanderson if she was stating that the penalty should be \$50.

Ms. Sanderson said in light of the circumstances she would go along with a \$50 penalty.

**Mr. Whittall made a motion that the Board issues an order to pay a civil penalty in the amount of \$50. Mr. Bryant seconded the motion and it passed unanimously.**

**B) Non-Compliance / Compliance Reports**

**1. Request for Board Order**

**a. CASE #15-CE-6314 / 0936T**

**VIOLATOR:** Charles Sullivan, Sr.

**VIOLATION:** Renting of dock space is a prohibited act in this district and a limit of two boats registered by the property owner is the maximum per dock allowance

**VIOLATION ADDRESS:** 10 Seagull Avenue, Vero Beach, Florida 32960

**(Request to continue case to the June 8, 2016 Code Enforcement Board meeting date)**

**b. CASE #15-CE-6315 / 0937T**

**VIOLATOR:** Charles Sullivan, Sr.

**VIOLATION:** Renting of dock space is a prohibited act in this district and a limit of two boats registered by the property owner is the maximum per dock allowance

**VIOLATION ADDRESS:** 12 Seagull Avenue, Vero Beach, Florida 32960

**(Request to continue case to the June 8, 2016 Code Enforcement Board meeting date)**

**Mr. McDonald made a motion to continue items 5-B) 1a and 5-B) 1b – Charles Sullivan, Sr., to the June 8, 2016 Code Enforcement Board meeting. Mr. Bryant seconded the motion.**

Mr. Noonan asked can they have one motion and vote for both cases. Mr. Coment answered yes.

**The motion passed unanimously.**

**c. CASE #15-CE-6060 / 752M**

**VIOLATOR:** Venetian Apartments / Kraig Vann Pyle

**VIOLATION:** Construction without permit  
**VIOLATION ADDRESS:** 2545 Indian River Boulevard,  
Vero Beach, Florida 32960  
**(Case is continued from the February 19, 2016 hearing)**

Ms. Sanderson reported that they have a permit under review by the Building Department. She asked that the Board continue this case to the May 11, 2016 meeting.

**Mr. Noonan made a motion that the Board continues this case to the May 11, 2016 Code Enforcement Board meeting. Mr. Bryant seconded the motion and it passed unanimously.**

- d. **CASE #15-CE-6276 / 0871T**  
**VIOLATOR:** Titone Properties, LLC / Mark Titone  
**VIOLATION:** Extensive trash and debris accumulated along rear property line and drainage area  
**VIOLATION ADDRESS:** 1926 40<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Request to find in compliance as of March 1, 2016 and to pay)**

Mr. Ramsey reported that the Board heard this case on February 10, 2016 and issued a Board order to correct the violation and imposed continuing civil penalties and costs. He said the property was found in compliance as of March 1, 2016 and the civil penalties have not been paid. He requested that the Board issue a Board order finding the property in compliance as of March 1, 2016 and to pay civil penalties and costs.

**Mr. Whittall made a motion that the Board finds the violation has been corrected and to issue a Board Order ceasing the continuing penalties as of February 29, 2016 (the day prior to finding the property in compliance) and to pay the initial civil penalty in the amount of \$50 along with the cost of enforcement in the amount of \$62.03 and total accrued penalties and costs. Mr. McDonald seconded the motion and it passed unanimously.**

- e. **CASE #15-CE-3315 / 0864T**  
**VIOLATOR:** Andrew F. Zaleski  
**VIOLATION:** Home occupation without active business tax receipt and parking and signage of vehicle with business name  
**VIOLATION ADDRESS:** 1912 26<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Request to find in compliance as of February 8, 2016 and to pay)**

Mr. Ramsey reported that the Board heard this case on February 10, 2016 and issued a Board order to correct the violation and to pay initial civil penalty and costs. He said it was determined after the fact that the violation was corrected on February 8, 2016. He reported that the civil penalty in the amount of \$50 has been paid. He requested that the Board issue a

Board order finding the property in compliance, that the initial civil penalty has been paid, and to waive all other costs.

Mr. Noonan said so there are not any fines.

Mr. Ramsey said that is correct.

Mr. Coment said the prior Board order was to correct the violation and to pay the initial penalty and costs.

**Mr. Noonan made a motion that the Board finds there was a violation, the violation has been corrected, and the initial civil penalties have been paid. Mr. Whittall seconded the motion and it passed unanimously.**

- f. **CASE #16-CE-2235 / 0910T**  
**VIOLATOR:** Laura L. McCloskey  
**VIOLATION:** Weeds, grass, and overgrowth in excess of 12”  
**VIOLATION ADDRESS:** 1606 24<sup>th</sup> Avenue, Vero Beach, Florida 32960

Mr. Ramsey reported that the property owner, Ms. Laura McCloskey, has had Code issues in the past and has always taken care of them. He said that he has been unable to get in contact with Ms. McCloskey regarding this case. The citation and Notice of Hearing was posted on the property. He requested that the Board issue a Board order finding the property in violation, to pay the initial civil penalty of \$50, and to allow 30 days to comply and pay.

Mr. Coment suggested that they bring this case back to the Board at their May 11, 2016 meeting and if the violation has not been corrected the Code Officer could request continuing penalties.

Mr. Ramsey said that he would request that they waive the continuing penalties.

Mr. Coment said the Board does not have to impose continuing penalties. He said the Board could issue a Board order to correct the violation by May 6, 2016, which is the Friday prior to their May 11, 2016 meeting.

**Mr. Whittall made a motion that the Board issues a Board order to correct the violation by May 6, 2016 and if the violation is not corrected that they impose the civil penalty of \$50 and hear the case at the May 11, 2016 meeting. Mr. McDonald seconded the motion and it passed unanimously.**

- g. **CASE #16-CE-6440 / 818M**  
**VIOLATOR:** Cottonways, Inc. / Jennifer Davis  
**VIOLATION:** Sign Violation  
**VIOLATION ADDRESS:** Indian River Boulevard and 21<sup>st</sup> Street, Vero Beach, Florida 32960

Ms. Sanderson reported that the violation has been corrected and the civil penalty has not been paid. She requested that the Board issue a Board order to pay the initial civil penalty.

**Mr. Noonan made a motion that the Board issues a Board order to pay the initial \$50 civil penalty. Mr. Whittall seconded the motion and it passed unanimously.**

- h. CASE #15-CE-5775 / 0667T**  
**VIOLATOR:** Bank of America  
**VIOLATION:** Weeds, grass, and undergrowth in excess of 12”; excessive garbage, rubbish, and trash throughout the property  
**VIOLATION ADDRESS:** 905 Coquina Lane, Vero Beach, Florida 32963  
**(Request to find in compliance and to cease continuing penalties)**

Mr. Ramsey reported that the Board heard this case on August 12, 2015 and issued a Board order to correct the violation, imposing continuing civil penalties, and to pay penalties and costs. The violation was corrected as of September 28, 2015, however for some reason the case did not come back before the Board to request that they find the property in compliance. He requested that the Board issue a Board Order finding the property in compliance as of September 28, 2015. He noted that the City did receive payment for all costs and penalties up to the date the property was found in compliance.

Mr. Coment reported that the City received payment in the amount of \$3,306.52.

**Mr. Noonan made a motion that the Board issues a Board order finding there was a violation, the violation was corrected as of September 28, 2015, and to pay all penalties and costs, which all penalties and costs have been paid in total in the amount of \$3,306.52. Mr. Whittall seconded the motion and it passed unanimously.**

- i. CASE #16-CE-6407 / 0909T**  
**VIOLATOR:** Bank of America  
**VIOLATION:** Home is unsecure with signs of vagrancy; overgrowth of vegetation, trash and debris strewn about the property  
**VIOLATION ADDRESS:** 905 Coquina Lane, Vero Beach, Florida 32963

Mr. Ramsey reported that the citation was sent by certified mail and was signed for by Bank of America on February 17, 2016. The property remains in violation as of April 13, 2016 and the civil penalty has not been paid. He requested that the Board issue a Board Order to correct the violation, impose continuing penalties, and to pay. He said that he did speak with Bank of America and they said they would get to it when they get to it. He noted that this is a repeat violation, but at the time the citation was written he was not aware of it. Rather than issuing an amended citation he decided to leave the citation as a “first” offence. There is not a cost of enforcement.

**Mr. Noonan made a motion that the Board finds there is a violation, the violation continues, and that the Board issues a Board Order to pay the initial \$50 civil penalty, continuing penalties of \$50 per day commencing on February 10, 2016, and that the violation be corrected. Mr. Whittall seconded the motion and it passed unanimously.**

- j. CASE #16-CE-6457 / 824M**  
**VIOLATOR:** Maxwell Properties, Inc. / James R. Maxwell  
**VIOLATION:** New and existing businesses on-site require site plan approval for repair, rental and storage of vehicles  
**VIOLATION ADDRESS:** 1146 21<sup>st</sup> Street, Vero Beach, Florida 32960

Ms. Sanderson reported that the citation was issued on March 3, 2016 with service of the citation provided by certified mail.

Mr. James Maxwell, owner of Maxwell Properties, Inc., said that he thought they were in compliance.

Ms. Sanderson said they were not in compliance. She explained that they need to meet with the Planning and Development Department for site plan review.

Mr. Maxwell said they have been here three or four times and have not been able to meet with anyone. He said that he has the plan with him and the parking is used by several different businesses.

Ms. Sanderson said they need to meet with the Planning and Development Department who can pull the original site plan.

An employee of Maxwell Properties, who was sworn in, said that he was at the Planning and Development Department two weeks ago and he was yelled at and told to get the cars off the property. He said that he left because he was being yelled at. He said that Mr. Maxwell then called the Mayor about the situation.

Ms. Sanderson suggested that Mr. Maxwell meet with the Planning and Development Department today.

Mr. Maxwell said that he would like to get this done.

**Mr. McDonald made a motion that the Board continues this case to the May 11, 2016 Code Enforcement Board meeting. Mr. Whittall seconded the motion and it passed unanimously.**

- k. CASE #16-CE-6432 / 829M**  
**VIOLATOR:** High Tide Autos  
**VIOLATION:** Failure to obtain Business Tax Receipt  
**VIOLATION ADDRESS:** 2626 U.S.1, Vero Beach, Florida 32960

Ms. Sanderson reported that as of today, the violation has not been corrected and the civil penalty has not paid. She requested that the Board issue an order to pay the \$50 initial civil penalty and impose continuing penalties.

**Mr. Whittall made a motion that the Board finds there is a violation and to issue a Board order to correct, to impose continuing penalties, and to pay. Mr. Bryant seconded the motion and it passed unanimously.**

- i. CASE #16-CE-6520 / 843M**  
**VIOLATOR:** Jungle Club Sport Complex / John Cairns / Katie Smith  
**VIOLATION:** Prohibited signs eight (8) placed on right-of-way  
**VIOLATION ADDRESS:** 6th Avenue, 21<sup>st</sup> Street, and Indian River Boulevard, Vero Beach, Florida

This item was pulled from today's agenda.

- m. CASE #16-CE-6413 / 823M**  
**VIOLATOR:** Matthew Martise  
**VIOLATION:** Weeds, grass, or undergrowth at a height of more than 12 inches  
**VIOLATION ADDRESS:** 2020 Delmar Avenue, Vero Beach, Florida 32960

Ms. Sanderson reported that property was brought into compliance as of March 30, 2016 and the civil penalty has not been paid.

**Mr. Noonan made a motion that the Board finds there was a violation, the violation has been corrected, and to issue a Board Order to pay the initial \$50 civil penalty. Mr. Whittall seconded the motion and it passed unanimously.**

- n. CASE #15-CE-6246 / 793M**  
**VIOLATOR:** Judith Trage  
**VIOLATION:** Weeds, grass, or undergrowth at a height of more than 12 inches; dead tree on property; garbage and trash in yard; non-operable motor vehicle in the front yard  
**VIOLATION ADDRESS:** 1030 27<sup>th</sup> Street, Vero Beach, Florida 32960  
**(New owner)**

Ms. Sanderson reported that because there is a new owner of the property she would request that the Board rescind the previous Board order.

Mr. Whittall asked is the property still in violation.

Ms. Sanderson answered yes. She explained that she would be addressing the violation with the new property owner.

Mr. Whittall asked has the new owner been cited.

Ms. Sanderson answered no.

**Mr. Noonan made a motion that the Board rescind the Board order dated February 19, 2016. 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**

**A) Order Denying Plaintiff Charles Fitz's Motion for Final Summary Judgment**

Mr. Coment gave a brief update on the Charles Fitz case.

**10. CHAIRMAN'S MATTERS**

None

**11. MEMBER'S MATTERS**

None

**12. ADJOURNMENT**

Today's meeting adjourned at 2:46 p.m.

/sp