

**CODE ENFORCEMENT BOARD MINUTES**  
**Wednesday, November 9, 2016 – 2:00 p.m.**  
**City Hall, Council Chambers, Vero Beach, Florida**

**PRESENT:** Vice Chairman, Frank Pizzichillo; Members: Christopher Bryant, Stephen McDonald, Jeffrey McGann, Eric Price and Herbert Whittall **Also Present:** Assistant City Attorney, Kira Honse; Indian River County Licensing Inspector, David Checchi; Code Enforcement Officer, Melody Sanderson; Code Enforcement Officer, Tom Ramsey and Deputy City Clerk, Sherri Philo

**Excused Absence:** Kirk Noonan

**1. CALL TO ORDER**

Today's meeting was called to order at 2:00 p.m.

**2. PLEDGE OF ALLEGIENCE**

The Vice 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 – October 12, 2016**

**Mr. Whittall made a motion to adopt the minutes of the October 12, 2016 Code Enforcement Board meeting. Mr. McDonald seconded the motion and it passed unanimously.**

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

Ms. Melody Sanderson, Code Enforcement Officer, pulled item 5-B) 1f – Lynne Jeffrey Mikkelsen and John Desjardins from today's agenda. She reported that the property is in compliance and the civil penalty has been paid.

**Mr. Whittall 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**

None

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

\*Please note that the cases on today's agenda were not heard in the order listed.

**1. Request for Board Order**

**a. CASE #16-CE-6843 / 951M**

**VIOLATOR:** Outlier Investments, LLC / Matt Martise, Manager

**VIOLATION:** A/C unit installed without a permit

**VIOLATION ADDRESS:** 2325 18<sup>th</sup> Avenue, Vero Beach, Florida 32960

Ms. Sanderson reported that the property was found in compliance on October 4, 2016. She asked that the Board issue a Board order finding compliance and to cease the continuing penalties.

Mr. Bryant said there were 19 days of non-compliance at \$50 a day for a total of \$950 (September 15, 2016 through October 3, 2016).

**Mr. Price made a motion that the Board finds the property in compliance (October 4, 2016), the initial civil penalty in the amount of \$50 has been paid, to cease the continuing civil penalties, and to pay the accrued civil penalties in the amount of \$950. Mr. McGann seconded the motion and it passed unanimously.**

**b. CASE #16-CE-6844 / 952M**

**VIOLATOR:** Outlier Investments, LLC / Matt Martise, Manager

**VIOLATION:** Garage converted/used as unpermitted welling unit

**VIOLATION ADDRESS:** 2325 18<sup>th</sup> Avenue, Vero Beach, Florida 32960

Ms. Sanderson reported that the property was found in compliance on October 17, 2016. She requested that the Board find the property in compliance and to cease the continuing penalties.

Mr. Bryant said there were five (5) days of non-compliance at \$50 a day for a total of \$250 (October 12, 2016 through October 16, 2016).

**Mr. Price made a motion that the Board finds the property in compliance (October 17, 2016), the initial civil penalty in the amount of \$50 has been paid, to cease the continuing civil penalties, and to pay the accrued civil penalties in the amount of \$250. Mr. McGann seconded the motion and it passed unanimously.**

**c. CASE #16-CE-6968 / 852M**

**VIOLATOR:** Outlier Investments, LLC / Matt Martise,  
Manager

**VIOLATION:** A/C unit installed without a permit

**VIOLATION ADDRESS:** 2325 18<sup>th</sup> Avenue, Vero Beach,  
Florida 32960

Ms. Sanderson reported that the property was found in compliance on October 4, 2016. She requested that the Board find the property in compliance and to cease the continuing penalties. She said the civil penalty in the amount of \$100 has not been paid.

**Mr. Whittall made a motion that the Board finds the property in compliance and issues a Board order to pay the civil penalty in the amount of \$100 (repeat violation). Mr. Bryant seconded the motion and it passed unanimously.**

**d. CASE #16-CE-6681 / 980T**

**VIOLATOR:** Jose Baez

**VIOLATION:** Construction without required permits;  
construction without development review and approval

**VIOLATION ADDRESS:** 1916 31<sup>st</sup> Avenue, Vero Beach,  
Florida 32960

**(Case was heard on August 10, 2016 and was to be corrected by November 9, 2016)**

Mr. Ramsey reported that the Board heard this case in August and allowed an additional 90 days to come into compliance by acquiring after the fact development approval and building permits. He said that Mr. Jose Baez, property owner, told the Board at the hearing in August that he was working with a local firm to accomplish these requirements. As of this morning, he found no record of a plan submittal to the Planning and Development Department or Indian River County Building Department permit. He reported that this case initiated on May 31, 2016, the citation was signed for on June 3, 2016, the original compliance date was June 17, 2016, the case was heard on August 18, 2016, and the Board extended the compliance date to today's date (90 days).

Mr. Jose Baez, property owner, said that he tried to find someone to draw the blueprints. He said after three and a half months he called and told them to forget it because they were taking too long. He said that he tried to find someone else to do the blueprints. He asked the Board to allow him to convert the area back to what it previously was, which is a porch.

Mr. Bryant asked Mr. Baez if he wanted to remove what he installed to bring it back to the original condition.

Mr. Baez answered yes.

Ms. Kira Honse, Assistant City Attorney, thought that he would need a demolition permit to bring it back to the way it was.

Mr. David Checchi, Indian River County Licensing Investigator, said that is correct.

Mr. Bryant explained to Mr. Baez that he could apply for the permit as an owner/builder. The cost for the permit fee was approximately \$212. He said once he receives the permit, he can remove the structure, and then call for a final inspection.

Ms. Honse suggested that the Board finds the property in violation, to give a date certain for correction, and impose a continuing fine that could go back to June 18, 2016, the day following the correction date. She noted that the Board does have the discretion to start the continuing penalties at a later date.

Mr. Ramsey was not sure how long it would take to receive a demolition permit.

Mr. Bryant thought that he could receive it in one (1) day. He explained to Mr. Baez that he would need to explain to the Plans Examiner what he was doing, fill out the proper paperwork, pay the permit fee, and they could issue the permit over the counter.

**Mr. Bryant made a motion that the Board finds there is a violation, to allow 30 days to bring the property into compliance, and if not in compliance after 30 days that a continuing civil penalty of \$50 per day would commence starting today (November 9, 2016).**

Mr. Ramsey reported that the initial civil penalty in the amount of \$50 has not been paid and there is cost of enforcement in the amount of \$45.20.

**Mr. Bryant amended his motion that the Board finds there is a violation, to allow to December 9, 2016 to come into compliance and if not in compliance that a continuing civil penalty would commence today (November 9, 2016), to pay the initial civil penalty in the amount of \$50 and the cost of enforcement in the amount of \$45.20. Mr. Whittall seconded the motion and it passed unanimously.**

e. **CASE #16-CE-6999 / 1062T**

**VIOLATOR:** Martin Van Putten – c/o Judy Davis

**VIOLATION:** Weeds, grass, and undergrowth in excess of 12”

**VIOLATION ADDRESS:** 1405 27<sup>th</sup> Avenue, Vero Beach, Florida 32960

Mr. Tom Ramsey, Code Enforcement Officer, reported that Ms. Judy Davis is present today on behalf of her father, Mr. Martin Van Putten (property owner). He said it was his understanding that Mr. Van Putten was out of the State.

Ms. Davis clarified that her father was not out of the State, that he was in an assisted living facility in Ft. Lauderdale.

Mr. Ramsey reported that a courtesy letter was mailed on September 2, 2016 with a compliance date of September 14, 2016. A citation was issued with a \$50 civil penalty and mailed by certified mail on September 26, 2016 with the compliance date of October 11, 2016. As of this morning, the property was in partial compliance. He thought that Ms. Davis was present for today’s hearing to request an extension on the time allotted.

Mr. Pizzichillo asked Mr. Ramsey if that was his recommendation.

Mr. Ramsey said as long as they are working to bring the property into compliance and they were given a date certain he was okay with allowing more time. He suggested allowing two (2) weeks to come into compliance.

Ms. Davis said there was a gentleman who cleared trees off the lot that left such big ruts that it couldn't be mowed and then they had the hurricane.

Ms. Honse asked for a date certain for the property to be brought into compliance.

Mr. Price asked what happens if the property was not found in compliance.

Mr. Ramsey said there would be continuing civil penalties that would begin on today's date.

Mr. Wayne Coment, City Attorney, explained that if the Board finds that there is a violation and order correction by a date certain, they would set the amount of the civil penalty that would start accruing if the violation is not corrected by that date. He said the furthest back they could go to impose that is the date after the date on the citation given for correction.

Mr. Ramsey asked do they have to go back to that date or is that the furthest date they could go back.

Mr. Coment said the Code states continuing penalties shall be imposed starting the first date after the date given on the citation. But, the Board does have some leeway in forgiving fines and penalties. To be clear, to keep this case from coming back before the Board other than for finding compliance the Board would need to set the amount of the civil penalty that would start running. He reported that the correction date on the citation was October 11, 2016 so the Board could start the continuing penalties as of October 12, 2016.

Mr. Bryant said the Board could if they chose to.

Mr. Coment said the key is to establish the amount of the civil penalty if the violation is not corrected by the date the Board orders it corrected by.

**Mr. Bryant made a motion that the Board finds there is a violation, to allow 14 days to come into compliance (November 28, 2016), and if not in compliance continuing civil penalties of \$50 a day would commence on November 29, 2016, and to pay the initial civil penalty of \$50. Mr. Price seconded the motion and it passed unanimously.**

- f. **CASE #16-CE-7009 / 995M**  
**VIOLATOR:** Lynn Jeffrey Mikkelsen and John Desjardins  
**VIOLATION:** Unlicensed non-operable truck  
**VIOLATION ADDRESS:** 2745 Atlantic Boulevard, Vero Beach, Florida 32960  
**(Paid \$50 Civil Penalty)**

This item was pulled from today's agenda.

- g. CASE #16-CE-7053 / 987M**  
**VIOLATOR:** Federal Home Loan Mortgage – C/O Quicken Loans, Inc.  
**VIOLATION:** Weeds, grass and overgrowth over 12 inches; non-operable vehicles; trash and debris  
**VIOLATION ADDRESS:** 2196 32<sup>nd</sup> Avenue, Vero Beach, Florida 32960

Ms. Sanderson reported that the property was found in compliance on October 20, 2016. She asked the Board to issue a Board order finding the property in compliance and to pay the initial civil penalty in the amount of \$50.

**Mr. Whittall made a motion that the Board finds the property in compliance and to pay the initial civil penalty in the amount of \$50. Mr. Price seconded the motion and it passed unanimously.**

- h. CASE #16-CE-6820 / 947M**  
**VIOLATOR:** Michael R. Ludwig and Cathy Kelly Ludwig  
**VIOLATION:** Oak tree removed without a permit  
**VIOLATION ADDRESS:** 907 Tropic Drive, Vero Beach, Florida 32963  
**(Paid \$250 Civil Penalty and Mitigation Fees)**

Ms. Sanderson reported that the property is in compliance and the civil penalty and mitigation fees have been paid. She requested that the Board issue a Board order finding compliance.

**Mr. Bryant made a motion that the Board finds the property in compliance and the civil penalty and mitigation fees have been paid. Mr. Whittall seconded the motion and it passed unanimously.**

- i. CASE #16-CE-6879 / 963M**  
**VIOLATOR:** Maxwell Properties, Inc.  
**VIOLATION:** Unlicensed, non-operable vehicles, motors, and parts on the property; failure to maintain site plan (landscaping)  
**VIOLATION ADDRESS:** 1146 21<sup>st</sup> Street, Vero Beach, Florida 32960  
**(Paid \$50 Civil Penalty)**

Ms. Sanderson reported that the property was found in compliance on October 19, 2016. She requested that the Board issue a Board order finding compliance.

**Mr. Pizzichillo made a motion that the Board finds the property in compliance. Mr. Bryant seconded the motion and it passed unanimously.**

- j. CASE #16-CE-7034 / 984M**

**VIOLATOR:** Maxwell Properties, Inc.

**VIOLATION:** Failure to obtain site plan approval for new and/or additions to outdoor storage

**VIOLATION ADDRESS:** 1146 21<sup>st</sup> Street, Vero Beach, Florida 32960

Ms. Sanderson reported that this case came before the Board last month and she stated that if the property was brought into compliance within the five (5) day guidelines for the prior case that she would rescind the \$100 civil penalty. She reported that the property was found in compliance within the five (5) days. She requested that the Board rescind their previous Board order.

**Mr. Whittall made a motion that the Board finds the property in compliance and to rescind the previous Board order. Mr. Bryant seconded the motion and it passed unanimously.**

**6. OLD BUSINESS**

None

**7. ADMINISTRATIVE MATTERS**

None

**8. CLERK'S MATTERS**

**A) Annual Report**

Ms. Sherri Philo, Deputy City Clerk, noted that before the Board is a draft of their Annual Report. She noted that the number of cases the Board heard in 2016 would be revised after their December meeting. She said that she would need the Board's approval for it to be submitted to the City Council.

**Mr. Pizzichillo made a motion to approve the draft Annual Report (with today's cases and the cases that will be heard in December added). Mr. Bryant seconded the motion and it passed unanimously.**

**9. ATTORNEY'S MATTERS**

None

**10. CHAIRMAN'S MATTERS**

None

**11. MEMBER'S MATTERS**

None

**12. ADJOURNMENT**

Today's meeting adjourned at 2:42 p.m.

/sp