

CODE ENFORCEMENT BOARD MINUTES
Wednesday, January 9, 2019 – 2:00 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Kirk Noonan; Vice Chairman, Eric Price; Members: Frank Pizzichillo, Chris Bryant, Stephen McDonald and Linda Hillman **Also Present:** Assistant City Attorney, Kira Honse; Code Enforcement Officer, Melody Sanderson and Deputy City Clerk, Sherri Philo

Excused Absence: Jeff McGann

1. CALL TO ORDER

Today's meeting was called to order at 2:00 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 – December 12, 2018

Mr. Bryant a motion to adopt the minutes of the December 12, 2018 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 Case #18-CE-9303 / Jeff A. and Darlene A. Wiltzius from today's agenda. She reported that the appeal has been withdrawn (Notice of Withdrawal of Citation on file in the City Clerk's office). She then pulled Case #18-CE-9228 – Church of God / Prince of Peace from today's agenda. She reported that the citation has been paid. She then pulled Case #18-CE-9208 – Dodgertown / Nancy Golnick and Case #18-CE-9250 – James Stottlemire from today's agenda. She reported that the properties were brought into compliance after receiving the Notice of Hearing.

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

4. UNLICENSED CONTRACTORS/CITATIONS

None

5. EVIDENTIARY HEARINGS

A) Citation Appeals

1. **CASE #18-CE-9303 / 1739M**
VIOLATOR: Jeff A. and Darlene A. Wiltzius
VIOLATION: False alarm
VIOLATION ADDRESS: 675 Cypress Road, Vero Beach, Florida 32963
(Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

B) Non-Compliance / Compliance Reports

1. **Request for Board Order**

*Please note that item e) Case #18-CE-9286 – Wells Fargo Bank NA was heard first on today's agenda.

- a) **CASE #18-CE-9216 / 1702M**
VIOLATOR: El Dorado Financial d/b/a Omni Financial
VIOLATION: False alarm
VIOLATION ADDRESS: 2300 5th Avenue, Vero Beach, Florida 32960
(Failure to pay \$250 civil penalty)

Ms. Sanderson reported that service of the citation was provided by certified return receipt. The civil penalty has not been paid. She requested a Board order for the initial civil penalty of \$250 and the cost of enforcement of \$34.48.

Mr. Noonan made a motion that there was a violation and that the Board issues a Board order to pay the \$250 civil penalty and the cost of enforcement of \$34.48. Mr. Pizzichillo seconded the motion unanimously.

- b) **CASE #18-CE-9253 / 1716M**
VIOLATOR: El Dorado Financial d/b/a Omni Financial
VIOLATION: False alarm
VIOLATION ADDRESS: 2300 5th Avenue, Vero Beach, Florida 32960
(Failure to pay \$250 civil penalty)

Ms. Sanderson reported that service of the citation was provided by certified return receipt. She requested the initial penalty of \$250 and \$34.48 cost of enforcement.

Mrs. Hillman put that in the form of a motion (that the Board issues a Board order to pay the initial civil penalty in the amount of \$250 along with the cost of enforcement in the amount of \$34.48). Mr. Pizzichillo seconded the motion and it passed unanimously.

- c) **CASE #18-CE-9228 / 1552T**
VIOLATOR: Church of God – Prince of Peace
VIOLATION: False alarm
VIOLATION ADDRESS: 1521 US1, Vero Beach, Florida 32960

(Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

- d) **CASE #18-CE-9208 / 1697M**
VIOLATOR: Dodgertown / Nancy Golnick
VIOLATION: False alarm
VIOLATION ADDRESS: 3901 26th Street, Vero Beach,
Florida 32960
(Failure to take mandatory alarm user awareness class)

This item was pulled from today's agenda.

- e) **CASE #18-CE-9286 / 1733M**
VIOLATOR: Wells Fargo Bank NA
VIOLATION: False alarm
VIOLATION ADDRESS: 600 21st Street, Vero Beach,
Florida 32960
(Failure to pay \$50 civil penalty)

* Please note that this item was heard first on today's agenda.

Ms. Sanderson reported that service of the citation was provided by certified return receipt. The civil penalty has not been paid. She requested a Board order for enforcement costs. She reported that the Manager of the local branch is present today to provide testimony that the check for payment of the civil penalty has been mailed. She said they are present today requesting a Board order for the initial civil penalty and enforcement costs in the amount of \$51.37. She asked for 20 days to bring the property into compliance.

Mr. Bryant suggested that they allow 30 days.

Ms. Kira Honse, Assistant City Attorney, explained that the motion would be to find that there was a violation; that they need to come into compliance within 30 days by paying the initial penalty and the cost of enforcement in the amount of \$51.37.

Mr. Bryant put that in the form of a motion (that the Board issues a Board order finding that there was a violation, that they allow 30 days to pay the initial civil penalty of \$50 and the cost of enforcement in the amount of \$51.37). Mr. Pizzichillo seconded the motion and it passed unanimously.

- f) **CASE #18-CE-9288 / 1735M**
VIOLATOR: El Dorado Financial, Inc. d/b/a Omni Financial
VIOLATION: False alarm
VIOLATION ADDRESS: 2300 5th Avenue, Vero Beach,
Florida 32960
(Failure to pay \$250 civil penalty)

Ms. Sanderson reported that service of the citation was provided by certified return receipt. She requested the initial civil penalty of \$250 and cost of enforcement for \$34.48.

Mrs. Hillman put that in the form of a motion (that the Board issues a Board order to pay the initial civil penalty in the amount of \$250 along with the cost of enforcement in the amount of \$34.48). Mr. Pizzichillo seconded the motion and it passed unanimously.

- g) CASE #18-CE-9289 / 1736M**
VIOLATOR: El Dorado Financial, Inc. d/b/a Omni Financial
VIOLATION: False alarm
VIOLATION ADDRESS: 2300 5th Avenue, Vero Beach, Florida 32960
(Failure to pay \$250 civil penalty)

Ms. Sanderson reported that service of the citation was provided by certified return receipt. She requested the initial civil penalty of \$250 and the enforcement cost of \$34.48.

Mr. Pizzichillo made a motion that they pay the \$250 plus \$34.48 in costs (that the Board issues a Board order to pay the initial civil penalty in the amount of \$250 along with the cost of enforcement in the amount of \$34.48). Mr. McDonald seconded the motion and it passed unanimously.

- h) CASE #18-CE-9250 / 1707M**
VIOLATOR: James C. Stottemire, Tenant, City of Vero Beach Mobile Home Park
VIOLATION: Construction without a permit
VIOLATION ADDRESS: 17 Bonanza Lane, Vero Beach, Florida 32960
(Failure to comply – Paid \$50 civil penalty)

This item was pulled from today's agenda.

6. OLD BUSINESS

None

7. ADMINISTRATIVE MATTERS

None

8. CLERK'S MATTERS

A) Code Enforcement Board 2018 Annual Report

The Board members approved the Code Enforcement Board 2018 Annual Report to be submitted to the City Council.

9. ATTORNEY'S MATTERS

None

10. CHAIRMAN'S MATTERS

None

11. MEMBER'S MATTERS

Mr. Noonan questioned the Code Enforcement Board case information that was placed on the dais for the Board members (on file in the City Clerk's office).

Mrs. Hillman explained that the Board requested a tally of all the fines within a three (3) year period. She asked the Deputy City Clerk to give the Board members a printout of the minutes where fines were reduced. She said there were three (3) cases in particular that were from 2015 and the Board reduced the fines to no fine at all. She said there was a case where there were \$51,000 in fines and the Board reduced it to \$84.65.

Mr. McDonald said to the best of his knowledge when the Board reduces or eliminates a fine it is usually because the violator made a good case. He did not think the Board has been too lenient. He felt it would help the Board if the Code Enforcement Officers would report on everything that has been done in detail.

Mrs. Hillman referred to a case where the violator was fined for 127 days at \$6,350 and the Board reduced the fine to \$200.

Mr. Price asked Mrs. Hillman if her argument is that the Board should never reduce fines or that they should not reduce fines as much.

Mrs. Hillman said the argument is not that they should never reduce fines. She said the Case of the LLC where the fine was \$89,000 and the Board reduced it to \$20,000 she thought was legitimate. She said that she feels they are slapping the Code Enforcement Officers on the hand because they are the ones who are doing the work and come to the Board as their last resort and yet the Board gives no penalties, no fines, or reductions.

Mr. Pizzichillo felt that every Board member looks at the credibility of the violator, their workability with the Code Enforcement Officers, and the circumstances.

Mr. McDonald said the Board held the violator's feet to the fire in 73% of the cases heard in 2018 and the percentage is similar in 2016 and 2017.

Mr. Price said that he will think more before reducing fines after having today's discussion.

Mrs. Hillman felt that the Code Enforcement Officers work really hard in their continual effort to keep everyone in compliance and to keep the City looking well. She just wanted to bring this to the Board's attention because they are starting a new year and she wants to backup the Code Enforcement Officers and to backup what everyone in this City is trying to do, which is to clean it up and keep it beautiful. She said that she just wanted the Board to be more aware of the reductions they are doing and agreed that they need to look at each case individually and the situation of the violator.

Mr. Price didn't think any of them were reducing fines to disrespect the Code Enforcement Officers.

Mr. Pizzichillo felt this was a great conversation. He felt it would be a big plus for them to think about doing this once a year. He commended Mrs. Hillman for bringing this up.

Mrs. Hillman noted that she was not pointing the finger at anyone. She just felt this was a discussion that they needed to bring up at the beginning of the year.

Mr. Price said they appreciate the hard work of the Code Enforcement Officers.

Ms. Sanderson said they can bring more information before the Board on how the case was developed.

Mr. McDonald said hearing what kind of interaction the Code Enforcement Officers have had with the violators would be a big help.

12. ADJOURNMENT

Today's meeting adjourned at 2:37 p.m.

/sp