

CODE ENFORCEMENT BOARD MINUTES
Wednesday, January 11, 2023 – 1:30 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Eric Price; Vice Chairman, Linda Hillman; Members: Christopher Bryant; Stephen McDonald, Frank Pizzichillo and Ken Daige **Also Present:** Code Enforcement Officer, Melody Sanderson; Code Enforcement Officer, Jamila McGee; Indian River County Contractor Licensing Investigator, David Checchi; 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. ELECTION OF OFFICERS

A) Chairman

The Chairman opened the floor for nominations for Chairman of the Code Enforcement Board.

Mr. McDonald nominated Mr. Eric Price for Chairman of the Code Enforcement Board. Mr. Daige seconded the nomination.

There were no other nominations.

Mr. Eric Price was unanimously appointed Chairman of the Code Enforcement Board.

B) Vice Chairman

The Chairman opened the floor for nominations for Vice Chairman of the Code Enforcement Board.

Mrs. Hillman nominated Mr. Stephen McDonald for Vice Chairman of the Code Enforcement Board. Mr. Price seconded the nomination.

There were no other nominations.

Mr. Stephen McDonald was unanimously appointed Vice Chairman of the Code Enforcement Board.

4. PRELIMINARY MATTERS

A) Adoption of Minutes

1. November 28, 2022

Mr. Price made a motion to adopt the minutes of the November 28, 2022 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, who has been sworn in, pulled Case #22-CE-12944 – Ralph W. Rotermund (Tr) (Owner) and Dunlap Construction LLC / Robert Dunlap from today’s agenda. She reported that the property came into compliance after receiving the Notice of Hearing. She then pulled Case #22-CE-12831 – James Matthew Schad and Anna Vass Schad from today’s agenda. She reported that the property came into compliance after receiving the Notice of Hearing.

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

5. UNLICENSED CONTRACTORS/CITATIONS

None

6. EVIDENTIARY HEARINGS

A) Citation Appeals

1. CASE #22-CE-12940 /0939

VIOLATOR: Todd E. Harding

VIOLATION: Unlicensed contracting and acts/omissions – Code Sections 400.01(1)/22-86(a); 400.07/22-89

VIOLATION ADDRESS: 1878 33rd Avenue, Vero Beach, Florida 32960

Mr. David Checchi, Indian River County Contractor Licensing Investigator, reported that this case is before the Board under an appeal by Mr. Todd E. Harding, doing business as Coast to Coast Contractors and Designer Pools and Enclosures. He noted that Coast to Coast Contractors was an unlicensed entity and Mr. Harding has an application in progress with the Florida Department of Business Professional Regulation (FDBPR). Regarding Designer Pools and Enclosures LLC, Mr. Harding has a State Certified and Specialty Structure License. He said that Mr. Harding was also eligible for a State exam to become a certified pool and spa contractor, but as of today he does not have a license to build pools in the State of Florida. Service of the citation and the Notice of Violation was provided by certified mail and was returned unclaimed. It was then mailed first class with an affidavit, which is on file in the City Clerk’s office. The citation and Notice of Violation was also sent to Mr. Harding’s email address that they have on file. He reported that the General Contractor (GC), Mr. James Squires, pulled a shell permit. He explained that a shell permit is a permit that a GC who is not licensed to build pools can obtain in order to build the shell portion of a swimming pool, but then they have to hire a Certified Pool Contractor (CPC) to finish the pool. Mr. Squires pulled the shell permit and proceeded to hire Mr. Harding to complete the pool. Payments were also sent to Mr. Harding’s business, Designer Pools and Enclosures. He said staff is recommending that the citation be upheld.

Mr. Todd Harding, who has been sworn in, reported that at the time the permit was pulled Mr. James Squires was 50% owner of Designer Pools and Enclosures. He said there is a Certified Pool Contractor, Mr. David Hlewicki of Streamline Pools, who is now the Qualifier for Designer Pools. Therefore, Designer Pools and Enclosures is fully licensed. He said that Mr. Hlewicki did the plumbing on this project and from what they have seen, nowhere in the Statutes have they seen that as a GE that you

have to turn everything over to a CPC after the shell goes in. He said the GE can do everything except for the plumbing, which was performed by Streamline Pools and the electric was performed by a licensed electrician.

Mr. Checchi reported that a GC cannot build pools in the State of Florida. Swimming pool construction involves the concrete portion of the shell and decking, piping, plumbing and electrical and a GE cannot do plumbing and electrical. When he was on the site and spoke with the homeowner the pool had been finished, but they did not have any in process inspections. Because of that they were required to get an engineer to certify the work. When he contacted the pool contractor, who was listed as the subcontractor, Mr. Hlewicki of Designer Pools and Enclosures, he was told that he had not completed the work on the job. He reported that checks were sent to Mr. Harding's business, not to the qualifier's business.

Mr. McDonald asked who pulled the permit.

Mr. Harding said that Mr. Squires pulled the permit and was 50% owner of the company, which was why payments were made to Designer Pools and Enclosures.

Mr. McDonald asked who at Designer Pools and Enclosures was a licensed pool contractor. Mr. Harding answered at that time no one was.

Mr. McDonald asked whose name is on the permit. Mr. Harding answered Mr. Squires.

Mr. McDonald questioned if Mr. Squires was not licensed to do that.

Mr. Harding said that Mr. Squires can perform the work, but not every aspect of it. He said a permit was issued to them, which means to him that they could complete the steps that they knew they could complete. The only thing they were not permitted to do was the plumbing and the electric.

Mr. McDonald asked Mr. Checchi is that correct that even though they were not licensed they could perform everything except the plumbing and electric.

Mr. Checchi answered no. He explained that a GC, which Mr. Squires is, can only pour the shell of the pool and they must hire a subcontractor.

Mr. McDonald asked Mr. Harding if he hired a subcontractor. Mr. Harding answered yes and he is listed on the permit as Streamline Pools.

Mr. Checchi said that he would dispute that.

Mr. Harding questioned so when you (Mr. Checchi) pulled the permit, Streamline Pools was not on it.

Mr. Checchi said on October 18, 2022, at 11:25 a.m., there was no subcontractor other than Mr. James Squires listed.

Mr. Harding said that was incorrect.

Mr. Bryant asked did Streamline Pools do a subcontractor affidavit.

Mr. Checchi answered not at this time. He said that he was not an expert and was going by the Statutes and the Florida Building Code through the interpretation of the Building Official. He said that he could

go back and take another look at this and if they want to hold another hearing on this that was fine. However, the checks were written to Mr. Harding's business, Coast to Coast Contractors. He asked is that correct.

Mr. Harding answered no. He said the checks were made out to Designer Pools and Enclosures.

Mr. Checchi said Designer Pools and Enclosures had not completed any of the work at the time per his interview with the Qualifier, Mr. Hlewicki of Designer Pools and Enclosures.

Mr. Harding said that he is with Designer Pools and Enclosures and Mr. Hlewicki is with Streamline Pools. He said when Mr. Checchi called him (Mr. Hlewicki) he didn't know what job Mr. Checchi was talking about. He said that Mr. Hlewicki did not do the work, but oversaw the work that was completed.

Mr. Harding said the statement made by Mr. Checchi that there were no inspections was incorrect. He said everything has been inspected and yesterday it passed inspection for the dry final.

Mr. Checchi said that he was referring to when he was on the site and was also talking about passing inspections.

Mr. Harding said the last inspection prior to yesterday passed in July.

Mr. McDonald said it sounded like the Board needed to see the permit and the checks.

Mr. Daige said it was stated that they had inspections and they passed the inspections. He asked Mr. Harding is he correct that the Inspector notes on the permit when it passes inspection. Mr. Harding answered yes.

Mr. Daige asked Mr. Harding if he has a copy of the permit where it is noted. Mr. Harding said the last inspection that he has was something that was sent to him stating that the inspection passed.

Mr. Daige asked how many inspections has this pool had since they broke ground. Mr. Harding answered four (4).

Mr. Daige questioned and all four (4) inspections were signed off on. Mr. Harding answered yes.

Mr. Daige said if this case comes back before the Board, he would like to see a copy of the permit where they were all signed off.

Mr. Bryant asked who did the owner contract with.

Mr. Harding answered Designer Pools and Enclosures. He said they were partners so he doesn't understand where they were cited for unlicensed contracting when a 50% partner of the company was a licensed GC.

Mr. Price asked who has the pool contract license. Mr. Harding said the pool contracting license was under Streamline Pool, who was the Qualifier.

Mr. Price said but Streamline Pools is not on the permit. Mr. Harding said they are listed on the permit.

Mr. Checchi asked who was the contract written under. Mr. Harding answered Designer Pools and Enclosures.

Mr. Checchi questioned Designer Pools and Enclosures or Coast to Coast. Mr. Harding said that he was pretty sure it was Designer Pools and Enclosures. He said that he would love to have a rehearing on this so that he could show the Board everything.

Mr. McDonald made a motion that the Board reschedules this case and give Mr. Harding the opportunity to bring back the permit and any other documentation that he has. Mr. Price seconded the motion and it passed unanimously.

2. CASE #22-CE-12939 / 0940

VIOLATOR: James Dean Squires

VIOLATION: Licensed contractor or owner builder hiring unlicensed contractor and acts/omissions – Code Sections 400.01(5)/22-86(f); 400.07/22-89

VIOLATION ADDRESS: 1878 33rd Avenue, Vero Beach, Florida 32960

Mr. Checchi reported that service of the citation and Notice of Violation was provided by certified mail, which was returned unclaimed. The citation was then mailed first class mail, as well as to Mr. James Squires' email address. He reported that this case is before the Board under an appeal by Mr. Squires. Staff is recommending that the citation be upheld.

Mr. James Squires, who has been sworn in, said that he is a Certified General Contractor and has been for 20 years. He said that he can do everything with a pool except for the electric and plumbing. Under his license they had everything that they needed. Everything that they were to sub out they did. This was a legit job pulled by a GC.

Mr. Price said one (1) of the concerns of the Board was the information on the permit. Mr. Squires said that he would bring the permit back before the Board.

Mr. Daige said the Board will need to see the permit with the signoffs.

Mr. Checchi said the property owners were happy with their pool. This is a licensing and permit issue.

Mr. Squires said if this is about licensing then he doesn't understand because he clearly has a license and he clearly hired the right people. If they need to pull the permits and bring that evidence back before the Board then ...

Mr. Checchi said they need to regroup and suggested that they meet with him and the Building Official before they come back before the Board.

Mr. McDonald made a motion that the Board delays this case to their next meeting. Mr. Daige seconded the motion and it passed unanimously.

B) Non-Compliance / Compliance Reports

1. Request for Board Order

*Please note that all exhibits entered into the record for today's hearings are on file in the City Clerk's office.

- a. **CASE #22-CE-12857 / 0726J**
VIOLATOR: Jaleel R. Nugent
VIOLATION: Weeds, grass, or undergrowth at a height of more than 12-inches - Code Section 38-31 (a)(b)(1)
VIOLATION ADDRESS: 1575 29th Avenue, Vero Beach, Florida 32960
(Failure to pay \$50.00 civil penalty)

Ms. Jamila McGee, Code Enforcement Officer, who has been sworn in, reported that the property is in compliance and the \$50.00 civil penalty has not been paid.

At this time, the Deputy City Clerk swore in Mr. Jaleel R. Nugent.

Mr. Jaleel R. Nugent, who has been sworn in, said that he was present today to pay the civil penalty.

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.

- b. **CASE #22-CE-12812 / 0715J**
VIOLATOR: Solution Properties, Inc. (owner) / Richard Vartigian (agent)
VIOLATION: Private wastewater disposal system violation – Code Section 78-83 (a)(4)
VIOLATION ADDRESS: 2326 15th Street, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

Ms. McGee reported that the property is in compliance and the \$50.00 civil penalty has not been paid.

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. McDonald seconded the motion and it passed unanimously.

- c. **CASE #22-CE-12686 / 3448M**
VIOLATOR: Holly Brennan
VIOLATION: Land Development Code Violation: Storage enclosure constructed without approval from the City of Vero Beach or a building permit – Code Section 60.21 (b)(1)
VIOLATION ADDRESS: 1915 18th Avenue, Vero Beach, Florida 32960
(Failure to comply)

Ms. Sanderson distributed to the Board members a photograph of the property (Exhibit A-1). She reported that service of the citation was provided by certified mail. The Code Compliance Certificate was issued on October 27, 2022, however a building permit has not been obtained. This case is before the Board today to find a timeframe for them to obtain a building permit.

Ms. Holly Brennan, who has been sworn in, felt that there was a misunderstanding because they did receive approval.

Ms. Sanderson explained that there was a statement on the approval from the City that they needed to obtain a building permit. The citation also stated that a building permit was required. She explained that she (Ms. Brennan) would need to bring the approval from the City to the Indian River County Building Department so a permit could be issued.

Ms. Brennan said that she would do that today.

Ms. Sanderson suggested that the Board allows 90 days to come into compliance.

Mr. Bryant suggested that the Board allows 120 days.

Ms. Sanderson explained to Ms. Brennan that when she applies for the permit, the Building Department would probably require an engineer to certify the structure so it was important that she starts the process as soon as possible.

Ms. Sanderson asked that the Board issues a Board order to come into compliance within 120-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 15, 2022, until corrected and that the initial civil penalty has been paid.

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 120-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 15, 2022, until corrected and that the initial civil penalty has been paid. Mr. McDonald seconded the motion and it passed unanimously.

- d. **CASE #22-CE-12862 / 3212M**
VIOLATOR: Dwight P. and Christina P. Fawcett
VIOLATION: Illicit discharge: seawall collapse and soil from lot entering into the Lagoon – Code Section 73.45
VIOLATION ADDRESS: 4801 Sunset Drive, Vero Beach, Florida 32963
(Failure to comply)

Ms. Sanderson reported that service of the citation was provided by certified mail. She spoke with the Engineering Department and the Contractor, Mr. Meade, and they are looking at about six (6) months to bring the property into compliance.

The Deputy City Clerk swore in Mr. Austin Linville.

Mr. Austin Linville, City Engineer, who has been sworn in, stated that it would take about six (6) months for permitting, as well as construction.

Mr. Jeff Meade, Contractor representing the property owners, who has been sworn in, stated that they did not receive the completed survey until December. He said they need an engineer, they need to get authorization or an exemption from the Department of Environmental Protection, and they need a permit from the Indian River County Building Department and everyone is very busy. He said they would have the permit in place within six (6) months. He felt if they could agree on having a permit in place and a definitive schedule to start the project it would be better.

Ms. Sanderson said if they obtain a permit then they would be in compliance with her.

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 180-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 November 1, 2022, until corrected and that the initial civil penalty has been paid. Mr. Daige seconded the motion and it passed unanimously.

- e. **CASE #22-CE-12944 / 3249M**
VIOLATOR: Ralph W. Rotermund (Tr) (owner) and Dunlap Construction LLC / Robert A. Dunlap III, (agent)
VIOLATION: Public nuisances and right-of-way encroachment: Weeds, grass, or undergrowth at a height of more than 12-inches / drywall not contained in dumpster / dumpster cannot be stored on the City right-of-way – Code Sections 38-31 (b)(1)(5); 71.03
VIOLATION ADDRESS: 766 Fiddlewood Road, Vero Beach, Florida 32963
(Failure to comply; Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- f. **CASE #22-CE-12831 / 3207M**
VIOLATOR: James Matthew Schad and Anna Vass Schad
VIOLATION: House alarm not registered with the Vero Beach Police Department – Code Section 97-47
VIOLATION ADDRESS: 2595 Whippoorwill Lane, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

This item was pulled from today's agenda.

- g. **CASE #22-CE-12965 / 3257M**
VIOLATOR: Kevan and Chistin Chisholm
VIOLATION: Land Development Code violation: Tree removal without a permit – Code Section 60.21 (b)(5)
VIOLATION ADDRESS: 2225 15th Street, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

Ms. Sanderson distributed to the Board members photographs of the property (Exhibit 1 2, and 3). She reported that service of the citation was provided by certified mail. The civil penalty has not been paid and a permit has not been submitted or applied for. She asked 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 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 December 28, 2022, until corrected and to pay the initial civil penalty.

Mr. Kevin Chisholm, who has been sworn in, said that he did not know that he needed permit. The circumstances for the tree removal was a hurricane. He said this is rental property that he and his wife owns and his neighbors called him because there were Pine Trees that were leaning over and they were afraid they were going to hit their house and they asked him to cut them down. He said

that he then called a tree company to take the trees down, which was the day before the hurricane hit.

Mr. Price asked who was the tree company.

Mr. Chisholm said it was a tree company that his neighbors recommended. They came and cut down the Pine Trees and after the hurricane there was a big limb that fell from a tree that was located in the front yard. The tree company told him that the tree was dead and needed to come down so he had them cut it down.

Ms. Sanderson asked Mr. Chisholm to go to the Planning Department to get an after the fact permit while he was in the building.

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 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 December 28, 2022, until corrected and to pay the initial civil penalty of \$50.00. Mr. McDonald seconded the motion and it passed unanimously.

- h. CASE #22-CE-12947 / 3251M**
VIOLATOR: Michael and Jodi Zorc
VIOLATION: Land Development Code Violation: Tree removal without a permit – Code Section 60.21 (b)(5)
VIOLATION ADDRESS: 1701 27th Avenue, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50.00 civil penalty)

Ms. Sanderson reported that service of the citation was provided by certified mail. The violation has been corrected and the civil penalty has not been paid. 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 \$50.00.

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. McDonald seconded the motion and it passed unanimously.

- i. CASE #20-CE-11278 / 3001M**
VIOLATOR: 1901 33rd Avenue, LLC / Edward Lechner and Viracity Corp. / Michelle Coker
VIOLATION: Weeds, grass, or undergrowth at a height of more than 12-inches / non-operable camper onsite – Code Sections 38-31 (a)(b)(1); 38-32 (a)(1)
VIOLATION ADDRESS: 1901 33rd Avenue, Vero Beach, Florida 32960
(Request of the Code Enforcement Officer for the Board to find the property in compliance on October 5, 2021 to cease the continuing penalties and to pay the initial civil penalty, cost of enforcement and continuing penalties - continuing penalties of \$50.00 per day from November 17, 2020 through and including October 4, 2021 (day prior to finding compliance) equals 322 days times \$50.00 per day – Estimated total \$16,194.70 plus costs and fees)

Ms. Sanderson distributed to the Board members photographs of the property (Exhibits A through O). She reported that the property was found in compliance on October 4, 2021. She asked that the Board finds the property in compliance as of October 4, 2021, and that they cease the continuing penalties as of that date and to pay the accrued civil penalties and costs.

Mr. Price said so they were in compliance over a year ago. He asked why it has taken this long.

Ms. Sanderson said it took that long to come into compliance because they only cut the front of the property and not the entire property. She said at one point there was some difficulty because the property owner lives in Canada.

Mr. Price questioned what happened between October, 2021 and today.

Ms. Sanderson said sometimes the property would get overgrown and then eventually would get mowed.

Mr. Price explained to Ms. Coker that the Board could find compliance, but they could not do anything about the penalties.

Ms. Michelle Coker, who has been sworn in, said that she moved back to Canada in April, 2020 and was unable to get back.

Mr. McDonald asked Ms. Coker if she had made arrangements to have the property maintained.

Ms. Michelle Coker, who has been sworn in, answered yes, but she was out of the Country and when she found out that the property was not being maintained she tried four (4) other companies and finally found someone. She said it was difficult because she was out of the Country.

Mr. Price moved that the Board finds the property in compliance as of October 4, 2021, to cease the continuing penalties as of October 4, 2021, and to pay the accrued continued penalties and costs. Mr. McDonald seconded the motion and it passed unanimously.

Ms. Coker asked if they could take Mr. Edward Lechner's name off of the Board order. She said that he was the previous owner of the company and was not legally responsible from the date that she purchased the property, which was in February, 2020.

Mr. Price asked Mr. Turner if the Board could make the change.

Mr. John Turner, City Attorney, answered no.

Ms. Sanderson said the property was titled in those names by the Property Appraiser at the time the violation was issued.

Mr. Turner said unless the notice and violation on the citation was amended, the Board order has to continue under the names of the violators at that time. Just because a property has been sold does not eliminate the status of the parties involved.

Ms. Sanderson reported that on October 23, 2020 the property was titled on the Property Appraiser's website as 1901 33rd Avenue, LLC with a mailing address of 1215 Castaway Boulevard. On November 2, 2020, it was under the name of Viracity Corporation with service of the citation going to 848

Rainbow Boulevard, Las Vegas. She also pulled the utility listing and found the address for Ms. Coker at 1820 50th Avenue, which was an uninhabitable house. She said they did everything they could to find out who the property owners were at the time and cite them correctly. She reported that Mr. Lechner sent a letter dated February 24, 2021, advising her that the property was sold over a year ago and that he was no longer responsible. However, at that point there was already a Board order in place based on the ownership at the time.

Mr. Price questioned so did they make a mistake.

Ms. Sanderson said not based on the information they had at the time on the Property Appraiser's website.

Ms. Coker said that she spoke with the Property Appraiser's office and was told that the information does not immediately get updated.

Mr. McDonald asked Mr. Turner if the Board could issue a Board order removing Mr. Lechner's name.

Mr. Turner said the Board could issue a Board order correcting the parties if that is the will of the Board. However, they have to remember that they are interested in the impact on the actual property itself, which becomes a lien on the property owner by the violators. He said when they get to this stage, their system is already set and there is nothing that they could do.

The City Clerk swore in Mr. Edward Lechner.

Mr. McDonald asked Mr. Lechner if he was the owner of the property during the period when the violation occurred.

Mr. Edward Lechner, who has been sworn in, answered no.

Mr. McDonald asked when his name was removed.

Mr. Lechner answered on March 13, 2020.

Mr. McDonald said then he is essentially saying that Ms. Coker is responsible for the entire amount.

Mr. Lechner said that is correct.

Mr. Turner asked Mr. Lechner if he resigned from 1901 33rd Avenue LLC in March, 2020.

Mr. Lechner said that is when the amendment to the corporation was filed.

Mr. Turner said so there was an amendment to the LLC removing him as a member. He asked if he was correct that if he looked at the Sunbiz website under the LLC that he (Mr. Lechner) would not be listed as a member.

Mr. Lechner said that is correct.

Mr. Turner asked the Board to continue with the next item on today's agenda while he researches this.

j. CASE #16-CE-6651 / 0984T
VIOLATOR: Frank Defelice

VIOLATION: Weeds, grass, and undergrowth in excess of 12-inches / areas are active breeding grounds for mosquitoes / swimming pool with stagnant water / stripped, junked, inoperable, or unlicensed motor vehicles or boats, trailers – Code Sections 38-31 (b)(1)(6)(7); 38-32 (a)(1)

VIOLATION ADDRESS: 1405 15th Avenue, Vero Beach, Florida 32960

(Request of the Code Enforcement Officer for the Board to find the property in compliance on December 27, 2022, to cease the continuing penalties and to pay continuing penalties and costs - continuing penalties of \$100.00 per day from June 22, 2016 through and including December 26, 2022 (day prior to finding compliance) equals 2,379 days times \$100.00 per day – Estimated total \$237,900.00 plus costs and fees)

Ms. McGee reported that the property was found in compliance on December 27, 2022 and the initial civil penalty has been paid.

Mr. Jason Moore, who has been sworn in, said that Mr. Frank Defelice was his grandfather.

Mr. Price explained that all the Board could do at this stage was to find the property in compliance. There was nothing they could do about the penalties.

Mr. Moore said they are still in the process of getting this house in his name. The house was signed over to him before Mr. Defelice passed away in 2013. Mr. Stephen Fromang was the attorney and somehow the paperwork was not filed. He said that he thought this entire time that the house was in his name and then he found out that it wasn't.

Mr. Price moved that the Board finds the property in compliance as of December 26, 2022, to cease the continuing penalties as of December 26, 2022, and to pay the accrued continued penalties and costs. Mr. McDonald seconded the motion and it passed unanimously.

At this time, Mr. Turner went back to Case #20-CE-11278. He reported that there was a filing made in March where there was a resignation of 1901 33rd Avenue LLC in the name of Phyllis Alfieri, but not Mr. Lechner.

Ms. Coker said there were originally two (2) partners of the property, Mr. Lechner and Ms. Alfieri. They went through a title company to transfer the ownership and she thought that there was some delay of it officially being filed. She said that both Mr. Lechner and Ms. Alfieri were supposed to be removed.

Mr. Price asked is Mr. Lechner's name listed.

Mr. Turner said that he didn't see his name. He said it shows that this corporation was formed in September, 2019 by Mr. Lechner and Ms. Alfieri. The next thing shown is the resignation of Ms. Alfieri. Then there is a report showing that it was reinstated and Ms. Coker's name appears, which was in 2020. It shows that Mr. Lechner was a member of the limited liability corporation and as far as they know, it doesn't show Mr. Lechner ever resigning.

k. CASE #22-CE-12325 / 3448M

VIOLATOR: Dayton Dandies, Inc., dba What a Tavern and Deli / Robert Kost (agent)

VIOLATION: Land Development Code violation: new gravel area requires approval from the City of Vero Beach Planning Department – Code Section 60-21 (b)(1)

VIOLATION ADDRESS: 58 Royal Palm Pointe, Vero Beach, Florida 32960

(Request of the Code Enforcement Officer for the Board to find the property in compliance on November 19, 2022, to cease the continuing penalties and to pay continuing penalties - continuing penalties of \$50.00 per day from April 4, 2022 through and including November 18, 2022 (day prior to finding compliance) equals 229 days times \$50.00 per day – Estimated total \$11,450.00 plus costs and fees)

Ms. Sanderson reported that the property was found in compliance on November 19, 2022. She asked that the Board finds the property in compliance as of November 19, 2020, to cease the continuing civil penalties as of November 19, 2022, and that the Board issues a Board order to pay the accrued civil penalties, costs, and enforcement costs of \$112.57.

Mr. Price moved that the Board finds that the property in compliance, to cease the continuing penalties as of November 19, 2022, and to pay the accrued continued penalties and costs. Mr. McDonald seconded the motion and it passed unanimously.

I. CASE #22-CE-12256 / 3429M

VIOLATOR: Albert S. Lowe IV & Cara B. Lowe (owners) / Sunrise City Concrete Services, Inc. / Roderick Waller (agent)

VIOLATION: Land Development Code violation: fence and canopy installed without approval from the City of Vero Beach Planning Department or building permits from the Indian River County Building Department – Code Section 60.21 (b)(1)

VIOLATION ADDRESS: 328 Indian Lilac Road, Vero Beach, Florida 32963

(Request of the Code Enforcement Officer for the Board to find the property in compliance on December 22, 2022, to cease the continuing penalties and to pay the initial civil penalty, cost of enforcement and continuing penalties - continuing penalties of \$50.00 per day from April 7, 2022 through and including December 21, 2022 (day prior to finding compliance) equals 259 days times \$50.00 per day – Estimated total \$13,052.40 plus costs and fees)

Mr. McDonald recused himself from voting on this case (Voting Conflict form attached to the original minutes).

Mr. Turner said there was a conflict of interest. He explained to Mr. McDonald that he would need to fill out a Voting Conflict form and state the basis of his conflict.

Ms. Sanderson reported the property was found in compliance on December 22, 2022. She asked that the Board finds the property in compliance as of December 22, 2022, to cease the continued penalties as of that date, and to pay the accrued continued penalties and costs with the enforcement costs of \$98.00.

Mr. Price moved that the Board finds the property in compliance as of December 22, 2022, to cease the continuing penalties as of December 22, 2022, and to pay the accrued continued penalties and costs. Mr. Daige seconded the motion and it passed unanimously.

- m. CASE #22-CE-12732 / 0652J**
VIOLATOR: Caleb J. Seeley
VIOLATION: Inoperable vehicles, trailer, and vehicle/boat parts in yard – Code Section 38-32 (a)(1)
VIOLATION ADDRESS: 1799 33rd Avenue, Vero Beach. Florida 32960
(Request of the Code Enforcement Officer for the Board to find the property in compliance on November 23, 2022, to cease the continuing penalties and to pay continuing penalties - continuing penalties of \$150.00 per day from September 9, 2022 through and including November 22, 2022 (day prior to finding compliance) equals 75 days times \$150.00 per day – Estimated total \$11,250.00 plus costs and fees)

Ms. McGee reported that the property was found in compliance on November 23, 2022 and the initial civil penalty has been paid.

Mr. Caleb Seeley, who has been sworn in, said the boat parts cited was a decoration and he would like to display it. He said it is an old rusty motor, but it isn't any different than anyone else's decorations.

Mr. Price moved that the Board finds the property in compliance as of November 23, 2022, to cease the continuing penalties as of November 23, 2022, and to pay the accrued continued penalties and costs. Mr. Pizzichillo seconded the motion and it passed unanimously.

7. OLD BUSINESS

None

8. NEW BUSINESS

None

9. ADMINISTRATIVE MATTERS

None

10. CLERK'S MATTERS

None

11. ATTORNEY'S MATTERS

None

12. CHAIRMAN'S MATTERS

None

13. MEMBER'S MATTERS

None

14. ADJOURNMENT

Today's meeting adjourned at 3:28 p.m.

/sp