

CODE ENFORCEMENT BOARD MINUTES
Wednesday, February 14, 2018 – 2:00 p.m.
City Hall, Council Chambers, Vero Beach, Florida

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

Excused Absence: Stephen McDonald

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 all witnesses present for today's meeting en masse.

3. PRELIMINARY MATTERS

A) Adoption of Minutes – January 10, 2018

Mr. Pizzichillo made a motion to approve the minutes of the January 10, 2018 Code Enforcement Board meeting. Mr. Bryant seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Mr. Tom Ramsey, Code Enforcement Officer, pulled Case #17-CE-8106 – Fulchini Enterprises, Inc. from today's agenda. He reported that the property is in compliance and the civil penalty has been paid.

Ms. Melody Sanderson, Code Enforcement Officer, pulled Case #17-CE-8141 – James R. Maxwell from today's agenda. She reported that the property is in compliance.

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

None

B) Non-Compliance / Compliance Reports

1. Request for Board Order

a. CASE #17-CE-8106 / 1297T

VIOLATOR: Fulchini Enterprises, Inc.

VIOLATION: Construction without a permit and failure to obtain development review and approval

VIOLATION ADDRESS: 1429 19th Place, Vero Beach, Florida 32960

This item was pulled from today's agenda.

b. CASE #17-CE-7964 / 1203T

VIOLATOR: Ronald H. Rennick and Patricia King

VIOLATION: Construction without development approval from the City Planning and Development Department or Permitting from the Indian River County Building Department

VIOLATION ADDRESS: 15 Royal Palm Pointe, Vero Beach, Florida 32960

(Paid \$50 civil penalty)

Mr. Ramsey reported that the property remains in violation and the civil penalty has been paid. He requested that the Board issue a Board order finding that there is a violation and to give a time certain to come into compliance.

Mr. Ron Rennick reported that the dock was lifted up and broken during the last hurricane. He showed to the Board members pictures of the destruction of the dock, a copy of the State of Florida Office of the Governor Executive Order Number 17-235 (Emergency Management – Hurricane Irma), and pictures of the dock after repairs were being made (all on file in the City Clerk's office). He read into the record page three (3), Section 4, of the Governor's Executive Order, "*I find that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to waive or deviate from the statutes, rules, ordinance, and orders they administer.*"

Mr. Ramsey reported that this information was submitted to the County and to the City and they both rejected it.

Mr. Rennick said that is for the Board to decide.

Ms. Kira Honse, Assistant City Attorney, explained the fact that the civil penalty was paid is an admission of guilt.

Mr. Rennick said that he is trying to comply and he is also trying to save the repaired dock. He said it would be a terrible waste to have to tear down the dock and build another one. He said the Executive Order clearly gave a 60-day suspension and he was stopped from doing

any more work after 45 days. He said that he would like to finish the work. He said that he could get a permit from a licensed contractor if that is what is needed.

Mr. Noonan thought that was what was required.

Mr. Rennick said that he interpreted the Governor's Order as a permit was not required during the 60-days. He strongly felt that he was within his rights to rebuild the dock.

Mr. Price asked Mr. Rennick why he thought they have these rules.

Mr. Rennick said naturally they have to have rules, but they were suspended by the Governor for 60-days.

Mr. Pizzichillo questioned wasn't it stated that the City and the County did not adopt the Governor's Order.

Mr. Ramsey explained that Mr. Rennick requested an exemption based on the Order and the City and the County denied it.

Mr. Pizzichillo said it states on page three (3), Section 4, of the Governor's Order, "may" require. It does not state "shall" require and both the City and the County chose not to.

Mr. McGann asked Mr. Rennick what he is asking of the Board.

Mr. Rennick asked that he be allowed to hire a licensed contractor to complete the dock rather than tear it down and rebuild it.

Mr. Bryant made a motion that there is a violation and that the Board give Mr. Rennick three (3) months until May 9, 2018, to apply for and obtain a City of Vero Beach permit and an Indian River County Building Department permit and if this has not been accomplished a continuing civil penalty of \$50 a day will commence. Mr. Noonan seconded the motion.

Mr. McGann felt they should give Mr. Rennick six (6) weeks after he receives the permits to complete the job.

Mr. Noonan said they were not setting a time for that at all.

Mr. Bryant said Mr. Rennick could take up to six (6) months to get an inspection. He said that would be up to the Building Department.

The motion passed unanimously.

- c. **CASE #17-CE-8141 / 1223M**
VIOLATOR: James R. Maxwell
VIOLATION: Fence installed without obtaining Code Compliance from the Vero Beach Planning and Development Department or permit from the Indian River County Building Department

VIOLATION ADDRESS: 1035 29th Street, Vero Beach,
Florida 32960
(Repeat violation – civil penalty \$100)

This item was pulled from today's agenda.

- d. **CASE #17-CE-6685 / 919M**
VIOLATOR: Beatriz Rey
VIOLATION: Garage enclosed without permits, approval or certificate of occupancy from the Indian River County Building Department; fence on property does not have Code Compliance from the City of Vero Beach, nor a permit from the Indian River County Building Department
VIOLATION ADDRESS: 2326 Atlantic Boulevard, Vero Beach, Florida 32960
(Property found in compliance on January 10, 2018)

Ms. Sanderson requested that the Board issue a Board order finding compliance on January 10, 2018.

It was noted that the civil penalty has been paid.

Mr. Noonan made a motion that the Board finds there was a violation, the violation has been corrected, that the property is in compliance as of January 10, 201. Mr. Pizzichillo seconded the motion and it passed unanimously.

6. OLD BUSINESS

None

7. ADMINISTRATIVE MATTERS

- a. **CASE #14-CE-4885 / 0346T**
VIOLATOR: Richard A. Gunkel
VIOLATION: Unsheltered storage of trailer with expired registration/tags
VIOLATION ADDRESS: 1946 5th Court, Vero Beach, Florida 32960

Ms. Honse asked that the Board reconsider the motion made at the previous hearing on this Case. She explained that the Board does not have the authority to waive the lien amount. She asked the Board to vote to reconsider their motion and then make a new motion to include everything but the lien amount (lien in the amount of \$3,150). She noted that the violator has made a request for a reduction in the lien amount to the City Council.

Mr. Pizzichillo made that in the form of a motion. Mr. Bryant seconded the motion and it passed unanimously.

Mr. Roger LaJoie, Attorney, thought the motion the Board made at their last hearing was reflective of the unanimous decision and consent of this Board that Mr. Gunkel should not

have to pay the penalties. He reported that staff is recommending to the City Council that Mr. Gunkel pay the full fine of \$3,150. He said that he thought he heard Mr. Ramsey state during the last hearing that he did not take a picture of the back of the trailer that would have shown the license tag was on the trailer. He asked if that is correct.

Mr. Ramsey said that is correct.

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 2:22 p.m.

/sp