

**CODE ENFORCEMENT BOARD MINUTES**  
**Wednesday, March 13, 2019 – 2:00 p.m.**  
**City Hall, Council Chambers, Vero Beach, Florida**

**PRESENT:** Chairman, Kirk Noonan; Vice Chairman, Eric Price; Members: Frank Pizzichillo, Jeff McGann, Chris Bryant, Stephen McDonald, Linda Hillman and Alternate Member #1, Richard Kennedy **Also Present:** Interim City Attorney, Kira Honse; Code Enforcement Officer, Tom Ramsey; Code Enforcement Officer, Melody Sanderson and Deputy City Clerk, Sherri Philo

**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. ELECTION OF OFFICERS**

**A) Chairman**

**Mr. Bryant nominated Mr. Noonan for Chairman of the Code Enforcement Board. There were no other nominations. Mr. Kirk Noonan was unanimously appointed Chairman of the Code Enforcement Board.**

**B) Vice Chairman**

**Mr. Price nominated himself for Vice Chairman of the Code Enforcement Board. There were no other nominations. Mr. Eric Price was unanimously appointed Vice Chairman of the Code Enforcement Board.**

**4. PRELIMINARY MATTERS**

**A) Adoption of Minutes – February 13, 2019**

**Mr. Noonan made a motion to adopt the minutes of the February 13, 2019 Code Enforcement Board meeting. Mr. Pizzichillo seconded the motion and it passed unanimously.**

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

Mr. Tom Ramsey, Code Enforcement Officer, pulled Case #19-CE-9512 – Dan and Julie Ann Quillen and Case #19-CE-9517 – St. Paul's Church, Inc. from today's agenda. He reported that both citations have been paid. He then pulled Case #18-CE-9297 – Kim Kam Yong, Case #18-CE-9350 – Kim Kam Yong and Case #19-CE-9460 from today's agenda. He reported that these citations have been paid and the mandatory alarm user class has been

taken. He then pulled Case #19-CE-9033 – Boston Market and Case #19-CE-9516 – Boston Market from today’s agenda. He reported that both citations have been paid.

Ms. Melody Sanderson, Code Enforcement Officer, pulled Case #18-CE-9221 – MJMC-2, LLC / Biran Herndon, Agent from today’s agenda. She reported that the property was brought into compliance. She then pulled Case #19-CE-9469 – Christopher and Judy Lee, Case #19-CE-9471 – John Egan / Christopher and Judy Lee, Case #19-CE-9515 – Kathryn M. Farrell and Case #19-CE-9538 – Pak Mail Beachside / The Beachland Building, LLC / Phillip DeLange, Agent from today’s agenda. She reported that the citations have all been paid.

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

## **5. UNLICENSED CONTRACTORS/CITATIONS**

None

## **6. EVIDENTIARY HEARINGS**

### **A) Citation Appeals**

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

#### **1. Request for Board Order**

##### **a. CASE #18-CE-8936 / 1580M**

**VIOLATOR:** Niravkumar A. Patel

**VIOLATION:** Public nuisance

**VIOLATION ADDRESS:** 2706 Atlantic Boulevard, Vero Beach, Florida 32960

**(Code Officer found in compliance on February 18, 2019. Continuing penalties from September 26, 2018 through February 17, 2019 = 145 days x \$50 per day = \$7,250.00 plus cost of enforcement in the amount of \$39.12, plus fees due to the City. The original civil penalty of \$50 has been paid. The estimated total penalties are \$7,289.12, plus costs estimated at \$96.15).**

Ms. Sanderson reported that this case was heard by the Board in November, 2018, for a non-operable vehicle. The citation was issued on September 18, 2018, with service of the citation provided by posting the property and by certified return receipt. The civil penalty was paid, however the violation had not been corrected when the Board heard this case. The Board gave the property owner two (2) weeks to come into compliance or face continuing penalties. She reported that the property was found to be in compliance on February 18, 2019. This case is before the Board today to find the property in compliance and to cease the continuing penalties. She reported that the tenant is present for today’s hearing.

Mr. Preston Ruff (spelling may be incorrect), tenant, reported that it was his roommate’s vehicle that was in the front and sideyard. He said that his roommate paid the fine and

moved the vehicle to the back yard. He said the property owner was receiving the citations in the mail and his landlord eventually sent him an email. He stated that he is not in direct contact with the property owner.

Ms. Sanderson reported that the property owner was notified by certified return receipt and the citation was posted on the property.

Mr. Ruff said that he did receive the citation that was posted, but he did not realize that the fine was continuing. He said that there was another citation that was posted on the property because of the trucks in the backyard. He received another email from the landlord stating that the property owner wanted the trucks removed from the property. He said that was the second fine, which his roommate paid that as well. He said that he left his roommate responsible for this and he did not realize that the fines were continuing or that the property owner would be held responsible. He didn't realize how serious this was.

Ms. Sanderson explained that they ended up having three (3) junk cars in the backyard.

Mr. McDonald asked how many fines did they pay.

Mr. Ruff thought there were two (2).

Ms. Sanderson said there was one (1) fine in the amount of \$50.

Mr. Ruff thought his roommate paid the initial penalty and then had to go back a second time.

Mr. Pizzichillo asked who owns the vehicles.

Mr. Ruff said his roommate.

Mr. Pizzichillo asked Mr. Ruff why he is present.

Mr. Ruff said that his roommate had to work and couldn't attend and because his name is on the lease.

Mr. McDonald assumed there was something in the lease stating that Mr. Ruff is responsible for this since the property owner is not present.

Mr. Ruff said that he was not sure.

Mr. Bryant said the landlord is ultimately responsible.

Ms. Kira Honse, Interim City Attorney, said generally leases have something in them that state the tenants have to comply with any local regulations and will be held responsible. She explained that there could be a lien placed on the property which impacts the landlord, but then the landlord can go after the tenant.

Ms. Sanderson reported that the property owner was sent notice of the citation, the Notice of Hearing, and the Board order and the property owner has never contacted her.

Mr. Ruff said that he does not have direct contact with the property owner, but has received a few emails from the landlord. He said that he didn't realize the severity of this. He said that he should have read the postings in detail, but he passed them over to his roommate to take care of.

Mr. McDonald asked whose name is on the lease.

Mr. Ruff said that his name is the only name on the lease.

Mr. McDonald asked how many times was the property owner contacted.

Ms. Sanderson reported that the property owner was noticed with the citation, the Notice of Hearing and the Board order to comply.

Mr. McDonald asked Mr. Ruff how many times was he notified.

Mr. Ruff said that the property manager contacted him probably three (3) times about the vehicles through email.

Mr. McDonald asked did they state that fines were accumulating.

Mr. Ruff answered no. He said that he didn't realize the fines were accumulating.

Mr. Pizzichillo asked Ms. Honse, if they hold the property owner or if they hold the tenant responsible, would that be predicated on what their lease states.

Ms. Honse answered no. She explained that at this point the property owner is responsible, but the property owner can go after the tenant to recoup the money.

Mr. Pizzichillo said then the property owner is responsible for these fines.

Ms. Honse said yes, the lien would go against the property.

Mr. McDonald questioned then you (Mr. Ruff) have only dealt with the rental agent, who was never served a notice.

Ms. Sanderson reported that she never knew there was a rental agent until the rental agent contacted her.

Mr. McDonald said the property owner never contacted her so there was no way she would have known there was a rental agent.

Ms. Sanderson said there was no contact from the property owner or the tenant.

Mr. Noonan felt there was no way the tenant was going to be able to pay these penalties.

Mr. Pizzichillo felt that the property owner has a responsibility and the Board is being told that the property owner has never contacted anyone. The property owner has the burden of coming before the Board. The citations went to the property owner and the property owner has to address those issues and then the property owner can work it out with the tenant.

Mr. McDonald agreed.

Mr. Pizzichillo said the property owner is responsible, not the tenant.

**Mr. McDonald made a motion that the Board holds the property owner responsible for the full amount.**

Mr. Price asked as far as the property being in compliance, do they know it was definitely out of compliance until February 18<sup>th</sup>.

Ms. Sanderson said that is the date the third vehicle was removed.

Mr. Pizzichillo said there are two (2) issues, which are that the property is in compliance so the Board should close this case and then pursue engaging in the conversation with the property owner. He asked is that correct.

Ms. Honse said what the motion could be is that the Board finds the property in compliance, to cease the continuing penalties, and the fine of “x” dollars is ordered.

**Mr. Pizzichillo put that in the form of a motion.**

**Mr. McDonald withdrew his motion.**

Ms. Sanderson added the cost of enforcement.

**Mr. Pizzichillo added the cost of enforcement to his motion (motion that the Board finds the property in compliance as of February 18, 2018, to cease the continuing penalties, to pay “\$7,289.12” dollars, along with the costs of enforcement). Mr. McDonald seconded the motion and it passed unanimously.**

- b. **CASE #18-CE-9221 / 1708M**  
**VIOLATOR:** MJMC-2, LLC / Biran Herndon, Agent  
**VIOLATION:** Specimen Oak Tree removed without a permit and harmful pruning practices  
**VIOLATION ADDRESS:** 328 Live Oak Road, Vero Beach, Florida 32963  
**(Paid \$500 civil penalty)**

This item was pulled from today’s agenda.

- c. **CASE #19-CE-9493 / 1817M**  
**VIOLATOR:** Indian River Youth Guidance  
**VIOLATION:** Banner hung without a permit  
**VIOLATION ADDRESS:** 1028 20<sup>th</sup> Street, Vero Beach, Florida 32960  
**(Failure to comply; Failure to pay \$50 civil penalty)**

Ms. Sanderson reported that the citation was issued by certified mail. The violation has been corrected and the civil penalty has not been paid. She asked that the Board finds there was a

violation, the property is now in compliance, and to issue an order for payment of the \$50 civil penalty.

**Mr. Pizzichillo put that in the form of a motion (that the Board issues a Board order to pay the \$50 civil penalty). Mr. McDonald seconded the motion and it passed unanimously.**

- d. CASE #19-CE-9469 / 1801M**  
**VIOLATOR:** Christopher and Judy Lee  
**VIOLATION:** Vehicle restrictions on public thoroughfares  
**VIOLATION ADDRESS:** 826 Banyan Road, Vero Beach, Florida 32963  
**(Failure to pay \$50 civil penalty)**

This item was pulled from today's agenda.

- e. CASE #19-CE-9471 / 1803M**  
**VIOLATOR:** John Egan / Christopher and Judy Lee  
**VIOLATION:** Vehicle restrictions on public thoroughfares  
**VIOLATION ADDRESS:** 826 Banyan Road, Vero Beach, Florida 32963  
**(Failure to pay \$50 civil penalty)**

This item was pulled from today's agenda.

- f. CASE #19-CE-9515 / 1821M**  
**VIOLATOR:** Kathryn M. Farrell  
**VIOLATION:** False alarm  
**VIOLATION ADDRESS:** 4770 Bethel Creek Drive, Vero Beach, Florida 32963  
**(Failure to pay \$50 civil penalty – Failure to take mandatory alarm user awareness class)**

This item was pulled from today's agenda.

- g. CASE #19-CE-9538 / 1832M**  
**VIOLATOR:** Pak Mail Beachside / The Beachland Building, LLC / Phillip DeLange, Agent  
**VIOLATION:** False alarm  
**VIOLATION ADDRESS:** 505 Beachland Boulevard, #1, Vero Beach, Florida 32963  
**(Failure to pay \$100 civil penalty)**

This item was pulled from today's agenda.

- h. CASE #19-CE-9512 / 1690T**  
**VIOLATOR:** Dan and Julie Ann Quillen  
**VIOLATION:** False alarm  
**VIOLATION ADDRESS:** 1770 33<sup>rd</sup> Avenue, Vero Beach, Florida 32960

**(Failure to pay \$50 civil penalty)**

This item was pulled from today's agenda.

- i. CASE #19-CE-9517 / 1697T**  
**VIOLATOR:** St. Paul's Church, Inc.  
**VIOLATION:** False alarm  
**VIOLATION ADDRESS:** 999 Flamevine Lane, Vero Beach,  
Florida 32963  
**(Failure to pay \$100 civil penalty)**

This item was pulled from today's agenda.

- j. CASE #18-CE-9297 / 1582T**  
**VIOLATOR:** Kim Kam Yong  
**VIOLATION:** False alarm  
**VIOLATION ADDRESS:** 4233 20<sup>th</sup> Street, Vero Beach,  
Florida 32960  
**(Failure to pay \$50 civil penalty)**

This item was pulled from today's agenda.

- k. CASE #18-CE-9350 / 1614T**  
**VIOLATOR:** Kim Kam Yong  
**VIOLATION:** False alarm  
**VIOLATION ADDRESS:** 4233 20<sup>th</sup> Street, Vero Beach,  
Florida 32960  
**(Failure to pay \$50 civil penalty)**

This item was pulled from today's agenda.

- l. CASE #19-CE-9460 / 1670T**  
**VIOLATOR:** Kim Kam Yong  
**VIOLATION:** False alarm  
**VIOLATION ADDRESS:** 4233 20<sup>th</sup> Street, Vero Beach,  
Florida 32960  
**(Failure to pay \$50 civil penalty - Failure to take  
mandatory alarm user class)**

This item was pulled from today's agenda.

- m. CASE #19-CE-9033 / 1695T**  
**VIOLATOR:** Boston Market  
**VIOLATION:** False alarm  
**VIOLATION ADDRESS:** 1775 US1, Vero Beach, Florida  
32960  
**(Failure to pay \$50 civil penalty)**

This item was pulled from today's agenda.

- n. **CASE #19-CE-9516 / 1696T**  
**VIOLATOR:** Boston Market  
**VIOLATION:** False alarm  
**VIOLATION ADDRESS:** 1775 US1, Vero Beach, Florida  
32960  
**(Failure to pay \$50 civil penalty)**

This item was pulled from today's agenda.

**7. OLD BUSINESS**

None

**8. ADMINISTRATIVE MATTERS**

None

**9. CLERK'S MATTERS**

None

**10. ATTORNEY'S MATTERS**

None

**11. CHAIRMAN'S MATTERS**

None

**12. MEMBER'S MATTERS**

None

**13. ADJOURNMENT**

Today's meeting adjourned at 2:17 p.m.

/sp