

CODE ENFORCEMENT BOARD MINUTES
Wednesday, March 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 and Linda Hillman **Also Present:** Assistant City Attorney, Kira Honse; Code Enforcement Officer, Melody Sanderson; Code Enforcement Officer, Thomas Ramsey; Indian River County Contract Licensing Investigator, David Checchi and Deputy City Clerk, Sherri Philo

Excused Absences: Stephen McDonald and Jeffrey 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 all witnesses present for today's meeting en masse.

3. PRELIMINARY MATTERS

A) Adoption of Minutes – February 14, 2018

Mr. Noonan made a motion to adopt the minutes of the February 14, 2018 Code Enforcement Board meeting. Mr. Pizzichillo seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Ms. Melody Sanderson, Code Enforcement Officer, pulled Case #17-CE-8079 - Libia Cardenas 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.

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

4. UNLICENSED CONTRACTORS/CITATIONS

A) CASE # 18-CE-8255/ 0371

VIOLATOR: Jaydes Enterprises / Donovan Mercurius

VIOLATION: Unlicensed Contracting

VIOLATION ADDRESS: 4141 16th Street, Units 1209, 1210, and 1205 – Building 12, Vero Beach, Florida 32960

Mr. David Checchi, Indian River County Contract Licensing Investigator, reported that Mr. Donovan Mercurius was cited for working as an unlicensed contractor at 4141 16th Street, Shadowbrook Condominium. He requested that the Board issues a Board order for payment of the civil penalty.

Mr. Noonan made a motion that the Board issues a Board order to pay the civil penalty of \$500. Mrs. Hillman seconded the motion and it passed unanimously.

5. EVIDENTIARY HEARINGS

A) Citation Appeals

- 1. CASE #17-CE-8079 / 1203M**
VIOLATOR: Libia Cardenas
VIOLATION: Carport enclosed and made into efficiency unit
VIOLATION ADDRESS: 2040 32nd Avenue, Vero Beach, Florida 32960

This item was pulled from today's agenda.

- 2. CASE #18-CE-8175 / 1231M**
VIOLATOR: Eastern Motor Mall, LLC / Syed Raza and Maxwell Properties Inc., / James R. Maxwell
VIOLATION: Unlicensed non-operable motor vehicles on the property; no current approved Code Compliance obtained for additional automobiles stored beyond the sales display area
VIOLATION ADDRESS: 1146 21st Street, Vero Beach, Florida 32960
(Syed Raza Eastern Motor Mall, LLC filed the letter of appeal – 2/12/18)
(\$100 repeat civil penalty paid by Maxwell Properties – check dated 2/20/18)

Ms. Sanderson reported that this case was based on a citation from 2017 for failure to maintain the site plan by having used cars beyond the display area and the Board had issued a Board order to obtain Code Compliance. She reported that they applied for Code Compliance, which satisfied the Board order. She reported that the Planning and Development Department did put in a condition for Code Compliance, which was that the landscaping would need to be restored before they would approve it. She reported that nothing was ever done so the citation before the Board today was issued to Mr. James R. Maxwell as the property owner and to Mr. Syed Raza as the tenant for failure to maintain the site plan. She stated that Mr. Maxwell paid the citation and Mr. Raza filed an appeal of the citation.

Mr. Noonan said they are not in compliance at this time.

Ms. Sanderson said that is correct.

Mr. Bryant questioned they applied for Code Compliance, but was it approved.

Ms. Sanderson explained that it can only be released as an approved Code Compliance if the landscaping is restored to the site plan. The case in 2017 was in compliance the day they applied for Code Compliance, which is the reason they have a new case before them today.

Mr. Pizzichillo asked if what she is stating is that this case deals with landscaping only.

Ms. Sanderson said no. The case today is for the cars that are located beyond the sales display area, which is why they need Code Compliance in order to expand the sales display area.

Mr. Syed Raza reported that he is the owner of Eastern Motor Mall and he rented the space from Mr. Maxwell in May. He found out in September or October that there was a landscaping issue and that they are not in compliance. He said as a tenant this is not his problem. He said that he spoke with Mr. Maxwell's employee about this and was told that they are fixing the issue. He said this has been going on for five (5) or six (6) months. He said that he received a citation with regard to the parking and he spoke with Ms. Gayle Lafferty of the Planning and Development Department and with Ms. Sanderson and found out that the area was only approved for four (4) parking spaces and a plan would have to be resubmitted for additional parking. He reported that he rented the area for 30 parking spaces and the lease clearly states 30 parking spaces.

Mr. Bryant said it states on the lease that Mr. Raza is allowed to have 30 cars there so Mr. Maxwell is not telling him the truth.

Mr. Raza reported that he brought Mr. Jeff Laforte with him today because he had a car lot on this same site for 15 years. He said that he was looking for a new site for his business and because there used to be a car lot at this location he contacted Mr. Maxwell to rent that site. He was under the impression that it would not be a problem because it was a car lot for years. He said that the City saw the lease when he applied for it and received his Occupational License.

Ms. Sanderson said there is no problem with giving Mr. Raza the additional spaces, but it has to be approved through Code Compliance and as a condition the landscaping has to meet the approved site plan.

Mr. Bryant said then Mr. Maxwell needs to do a Code Compliance for his tenant.

Ms. Sanderson reported that Mr. Raza applied for Code Compliance and for it to be approved the landscaping needs to be completed.

Mr. James Maxwell, Property Owner, reported that the landscaping has been completed, but the City won't come out to inspect it. He said that Mr. Laforte had more than 30 cars when he had his business on this site so he doesn't understand what the problem is.

Ms. Sanderson reported that Ms. Lafferty is the Planner who has conditioned the Code Compliance so she is the only one who can approve the landscaping. She reported that Ms. Lafferty is out of the office for two (2) weeks.

Mr. Noonan said that Mr. Maxwell called for an inspection and is currently waiting to have it done. He said having the landscaping approved would resolve this issue.

Ms. Sanderson said that Mr. Maxwell paid the citation so he has admitted guilt. She suggested that the Board defer this case for two (2) weeks while Ms. Lafferty is out of the office and upon her return she can re-inspect the property to see if it is in compliance.

Mr. Noonan made a motion that the Board allows three (3) weeks or until their next meeting for the Planning and Development Department to inspect the property ...

Ms. Sanderson suggested that that they keep it at three (3) weeks as first suggested because that way if something needs to be done they have time to get it done before the Board's April meeting.

Ms. Honse asked Ms. Sanderson if she wants this case continued until the Board's next meeting.

Ms. Sanderson answered no, she wants a Board order.

Ms. Honse questioned are they wanting to find that they are not in compliance, to allow them three (3) weeks, April 4, 2018, to come into compliance or they would face a fine of a continuing penalty of \$100 per day for each day the violation continues to exist.

Mr. Noonan said they want to give them three (3) weeks to allow for inspection and an additional week, or whatever the balance of days are before the Board's next meeting, to correct this.

Mr. Pizzichillo suggested that they make the motion as Ms. Honse just stated.

Mr. Noonan said that he doesn't agree with what Ms. Honse stated.

Ms. Honse said the question is what happens if the property is not brought into compliance.

Mr. Maxwell said he could answer that right now. Mr. Raza will not be there. He said if his property is not found in compliance he will evict Mr. Raza. He said that he is not going to spend thousands of dollars for landscaping. The landscaping is fine.

Mr. Noonan made a motion that the Board finds there is a violation, that the violation continues, and that the Board allows until April 10, 2018 to bring the property in compliance and if it's not in compliance a continuing daily civil penalty of \$100 per day will commence on April 11, 2018, and that the initial civil penalty in the amount of \$100 has been paid.

Mr. Maxwell reported that he will be out of the Country April 1, 2018 through April 14, 2018.

Mr. Bryant felt the inspection would be done before the end of the month.

Mr. Maxwell said that he would not be present for their April meeting. He said if they do not pass inspection the tenant will have to move.

Ms. Honse explained that this case would not be going before the Board at their next meeting. She said the continuing penalties would commence if the property is not brought into compliance.

Mr. Pizzichillo seconded the motion and it passed unanimously.

B) Non-Compliance / Compliance Reports

1. Request for Board Order

a. CASE #17-CE-7675 / 1100M

VIOLATOR: Jeremiah Joseph Coonen, Jr. and Priscilla Pamela Richardson

VIOLATION: Enclosure of carport without permits from Indian River County Building Department

VIOLATION ADDRESS: 2140 28th Avenue, Vero Beach, Florida 32960

(Paid \$50 civil penalty)

Ms. Sanderson reported that Mr. Jeremiah Coonen, Property Owner, had a time delay in getting the after the fact permits, which he has now has. She asked that the Board issues a Board order giving him 45 days to come into compliance with a one (1) time extension of an additional 45 days at her discretion.

Mr. Frank Loya (spelling may be incorrect) said that he is the caretaker of the property.

Mr. Bryant asked are all the contractors doing the work licensed and insured.

Mr. Loya said that he was not sure what Mr. Coonen is doing, but he is a homeowner-builder.

Mr. Checchi stated that Mr. Loya has a Business Tax Certificate with Indian River County. He asked Mr. Loya if he was doing the work.

Mr. Loya said that he has an Occupational License, but he is not doing any of the work. He reported that the efficiency was already there when he moved in.

Mr. Noonan made a motion that the Board finds there is a violation, that the violation continues, that the Board allows an additional 45 days to come into compliance with an additional 45 day extension at the Code Officer's discretion, and if not in compliance after 90-days a continuing daily penalty of \$50 shall commence, unless the additional 45 days is not approved by the Code Officer in which case the continuing civil penalty of \$50 per day shall commence after the initial 45 days approved by the Board, and that the initial civil penalty of \$50 has been paid. Mr. Pizzichillo seconded the motion and it passed unanimously.

6. OLD BUSINESS

None

7. ADMINISTRATIVE MATTERS

None

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 2:26 p.m.

/sp