

**CODE ENFORCEMENT BOARD MINUTES**  
**Wednesday, April 10, 2019 – 2:00 p.m.**  
**City Hall, Council Chambers, Vero Beach, Florida**

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

**Excused Absences:** Kirk Noonan and Richard Kennedy

**1. CALL TO ORDER**

Today's meeting was called to order at 2:00 p.m.

**2. PLEDGE OF ALLEGIENCE**

The Vice 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 – March 13, 2019**

**Mr. Price made a motion to approve the minutes of the March 13, 2019 Code Enforcement Board meeting. Mrs. Hillman seconded the motion and it passed unanimously.**

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

Mr. Tom Ramsey, Code Enforcement Officer, pulled Case #18-CE-9257 – Dorothy M. and Maureen J. Lucey from today's agenda. He reported that the civil penalty has been paid and he is giving them an extension to get their permitting. He then pulled Case #19-CE-9429 – Kelly Young from today's agenda. He reported that the citation was paid today and she submitted the information for her permit. He then pulled Case #19-CE-9527 – Christopher R. Sanders from today's agenda. He reported that the citation was paid and a permit has been pulled.

Ms. Melody Sanderson, Code Enforcement Officer, pulled Case #19-CE-9628 – Economic Opportunity Council from today's agenda. She reported that the civil penalty was paid after receiving the Notice of Hearing. She then pulled Case #19-CE-9643 – One Luau/Zachary Schmitz from today's agenda. She reported that the civil penalty was paid at the Police Department and he is on his way now to register the alarm.

**Mr. Pizzichillo made a motion to adopt the agenda as amended. Mr. McGann 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 #19-CE-9430 / 1789M

**VIOLATOR:** William Eberhardt and Julia Bergan

**VIOLATION:** Failure to obtain permits

**VIOLATION ADDRESS:** 3939 Ocean Drive, #B506, Vero Beach, Florida 32963

**(Code Officer found in compliance on March 11, 2019. Continuing penalties from February 2, 2019 through March 10, 2019 = 37 days x \$50 per day = \$1,850. Original civil penalty of \$50 has been paid).**

Ms. Sanderson reported that this case was previously heard by the Board and the Board issued an order to correct or continuing penalties would accrue. She said this case is before the Board today to find the violation has been corrected and to cease the continuing penalties as of March 10, 2019. She requested that the Board issues an order to pay the accrued continuing penalties.

Mr. William Eberhardt said they did this while they were in New York and didn't get here until last week. He said they hired a licensed contractor, the equipment was installed, and they paid the bill. All this occurred while they were up north and they had no idea they were in violation of the Code.

Mr. Bryant asked what type of work was done.

Mr. Eberhardt said they installed an air-conditioning unit on the roof of the condominium.

Ms. Kira Honse, Interim City Attorney, noted that the status of this case is they were already found in violation and the purpose of this hearing is to find them in compliance and to finalize the amount of the civil penalty.

Ms. Sanderson reported that the Building Department sent a Notice of Violation to the property owner that a permit was required in February, 2018. This case was initiated by Code Enforcement through the Building Department a year later.

Mr. Pizzichillo questioned the delay in permitting.

Mr. Eberhardt said they hired and paid the contractor. He explained that up north the contractor is the one who gets the permits. They had no idea this was not administered properly.

Mr. Pizzichillo asked Ms. Sanderson if a letter was sent to them.

Ms. Sanderson reported that the Building Department sent the Notice of Violation and cover letter in February, 2018, which advised them that a permit was required.

Ms. Julia Bergan said that she spoke with Mr. Ken Johnson of the Building Department when she received the letter and told him she would contact the contractor. She then called the contractor who told her that he would take care of it. She later received another notice from Mr. Johnson that a permit was still needed. She again contacted the contractor and this continued going back and forth until they got here.

Mr. McDonald asked is the contractor still in business.

Mr. Eberhardt answered yes.

Mr. McDonald asked did they have a written contract with the contractor.

Mr. Eberhardt answered yes.

Mr. McDonald asked did the contract specify that the contractor was to pull the permits.

Mr. Eberhardt said that he didn't know.

Mr. Price asked if they know if the permit issue was resolved prior to March 11, 2019.

Ms. Sanderson said the permit was issued on March 11, 2019.

Mr. Pizzichillo felt they should have to pay some kind of a penalty. He was not sure it should be \$1,850, but a penalty is due, but reasonable.

Mr. McGann asked Ms. Sanderson if she had a recommendation.

Ms. Sanderson said they were under the Building Department notice for a year and they never reached out to her.

**Mr. Bryant made a motion that the Board finds there was a violation, the violation has been corrected and to reduce the continuing penalties from \$1,850 to \$250 plus costs. Mr. McDonald seconded the motion and it passed 4-2 with Mr. McDonald voting yes, Mr. Pizzichillo yes, Mr. McGann yes, Mrs. Hillman no, Mr. Bryant yes, and Mr. Price no.**

- b. CASE #18-CE-9257 / 1564T**  
**VIOLATOR:** Dorothy M. and Maureen J. Lucey  
**VIOLATION:** Home roofing system is failing and in need of immediate repair or replacement / Repeat violation

**VIOLATION ADDRESS:** 1215 Spanish Lace Lane, Vero Beach, Florida 32963  
**(Paid \$100 civil penalty)**

This item was pulled from today's agenda.

- c. **CASE #19-CE-9499 / 1833M**  
**VIOLATOR:** The Southland Corporation  
**VIOLATION:** Public Nuisance  
**VIOLATION ADDRESS:** 2032 US1, Vero Beach, Florida 32960  
**(Failure to pay \$50 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 for a Board order for the \$50 payment of the civil penalty.

**Mr. Pizzichillo put that in the form of a motion that they are in violation of the civil penalty.**

Mr. Price restated the motion.

**Mr. Price made a motion for Case #19-CE-9499 that the violator, the Southland Corporation is now in compliance, but does need to pay the \$50 civil penalty (that the Board issues a Board order to pay the \$50 civil penalty). Mr. Bryant seconded the motion and it passed unanimously.**

- d. **CASE #19-CE-9548 / 1836M**  
**VIOLATOR:** P. Scott McCracken  
**VIOLATION:** Commercial trailer parked onsite that is not being used in construction on the property that has a valid permit  
**VIOLATION ADDRESS:** 2716 Laurel Drive, Vero Beach, Florida 32960

Ms. Sanderson reported that this case was initiated based on seven (7) complaints from the neighbors regarding the condition of the property. Service of the citation was provided by posting of the property. The violation has not been corrected and the civil penalty has not been paid. She asked the Board to issue a Board order to come into compliance within 10 days or continuing daily penalties and the cost of enforcement in the amount of \$68.86.

Ms. Honse noted that the penalties would go back to the required date of correction.

Ms. Sanderson said it is February 26, 2019.

**Mr. Pizzichillo put that in the form of a motion (that the Board issues a Board order to come into compliance within 10 days or continuing civil penalties of \$50 per day shall commence, to pay the initial civil penalty of \$50 along with the cost of enforcement of \$68.86). Mr. McDonald seconded the motion and it passed unanimously.**

- e. **CASE #19-CE-9549 / 1837M**  
**VIOLATOR:** P. Scott McCracken  
**VIOLATION:** Interior demolition, alterations, and new windows installed without a building permit  
**VIOLATION ADDRESS:** 2716 Laurel Drive, Vero Beach, Florida 32960

Ms. Sanderson reported that service was provided by posting of the property. The violation has not been corrected and the civil penalty has not been paid. She reported that the violator is a local contractor and has had no contact with her. She met with Mr. Jason Jeffries, Planning and Development Director, today because the the plans are being revised. Mr. Jeffries explained to her that the property owner would like to add an out-building, but because this is historic property they need to go before the Historic Preservation Commission. Mr. Jeffries advised her that they would need a minimum of 60 days. She asked the Board to allow 60 days to correct or continuing penalties effective March 5, 2019 and enforcement costs of \$58.60.

Mr. McDonald asked how long was the property in violation before they applied for a permit.

Ms. Sanderson reported that the permit was applied for on March 8, 2019.

**Mr. Bryant made motion that Board takes staff's recommendation.**

Ms. Honse asked did they pay the civil penalty.

Ms. Sanderson answered no.

Ms. Honse said that also needs to be addressed.

Ms. Sanderson said the civil penalty is \$500.

Mr. Bryant asked does he need to restate the motion.

Ms. Honse said as long as the person who made the original motion agrees to amending it to include the penalty.

**Mr. Bryant agreed to amend his motion to what staff has suggested with the \$500 civil penalty and the 60 days (that the Board issues a Board order to allow 60 days to come into compliance or continuing penalties of \$500 per day shall commence effective on the original date of compliance of March 5, 2019, to pay the initial \$500 civil penalty along with the cost of enforcement of \$58.60). Mr. McDonald seconded the motion and it passed unanimously.**

- f. **CASE #19-CE-9429 / 1703T**  
**VIOLATOR:** Kelly Young  
**VIOLATION:** Roof has many exposed holes and defects; blue tarp has deteriorated and is failing  
**VIOLATION ADDRESS:** 1841 26<sup>th</sup> Avenue, Vero Beach, Florida 32960

This item was pulled from today's agenda.

- g. CASE #19-CE-9601 / 1859M**  
**VIOLATOR:** PNC Bank  
**VIOLATION:** False alarm  
**VIOLATION ADDRESS:** 958 20<sup>th</sup> Place, 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 violation is uncorrectable, the civil penalty has not been paid, and there is a cost of enforcement in the amount of \$45.86. She asked that the Board finds there was a violation and an order to pay the \$250 civil penalty and the cost of enforcement.

**Mr. Pizzichillo put that in the form of a motion (that the Board issues a Board order to pay the \$250 civil penalty along with the cost of enforcement of \$45.86). Mr. Bryant seconded the motion and it passed unanimously.**

- h. CASE #19-CE-9628 / 1862M**  
**VIOLATOR:** Economic Opportunity Council  
**VIOLATION:** False alarm  
**VIOLATION ADDRESS:** 2455 14<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Failure to pay \$250 civil penalty)**

This item was pulled from today's agenda.

- i. CASE #19-CE-9643 / 1859M**  
**VIOLATOR:** One Luau / Zachary Schmitz  
**VIOLATION:** False alarm and alarm not registered with the Vero Beach Police Department  
**VIOLATION ADDRESS:** 2045 13<sup>th</sup> Avenue, Vero Beach, Florida 32960

This item was pulled from today's agenda.

- j. CASE #19-CE-9649 / 1873M**  
**VIOLATOR:** US Bank Trust NA (TRS)  
**VIOLATION:** Public Nuisance: Stagnant unsecured pool  
**VIOLATION ADDRESS:** 2208 Buena Vista Boulevard, Vero Beach, Florida 32960

Ms. Sanderson reported that the City has a long history with this property and has abated the property several times by mowing the lawn and curing the stagnant pool. The bank has taken over the property and started to fix up the property. They took off the cover from the swimming pool, which is open, unsecured and is still stagnant. She asked that the Board finds the property has a violation, the violation continues, 10 days to correct or continuing penalties commencing on March 28, 2019 and cost of enforcement.

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

Ms. Honse asked what is the cost of enforcement.

Ms. Sanderson said the cost of enforcement is \$40.24.

**The motion passed unanimously (that the Board issues a Board order finding violation, that the violation continues, to allow 10 days to come into compliance or continuing penalties of \$50 per day shall commence effective on the original compliance date of March 28, 2019, to pay the initial \$50 along with the cost of enforcement of \$40.24).**

- k. CASE #19-CE-9650 / 1874M**  
**VIOLATOR:** US Bank Trust NA (TRS)  
**VIOLATION:** Water heater installed without a permit  
**VIOLATION ADDRESS:** 2208 Buena Vista Boulevard, Vero Beach, Florida 32960

Ms. Sanderson reported that the property owner installed a water heater on the pool deck without a permit. They applied for a permit for two (2) water heaters, one (1) in the garage and one (1) upstairs, but they did not apply for a permit for the one (1) on the pool deck. She reported that the Building Department will advise them that a permit is required for all three (3) water heaters. She stated that the violation has not been corrected and the civil penalty has not been paid. She is asking that the property come into compliance within 10 days or continuing civil penalties effective March 28, 2019 and enforcement costs of \$27.81.

**Mr. Pizzichillo put that in the form of a motion (that the Board issues a Board order to come into compliance within 10 days or continuing civil penalties \$50 per day shall commence effective March 28, 2019, to pay the initial civil penalty of \$50 along with the cost of enforcement of \$27.81). Mr. McDonald seconded the motion and it passed unanimously.**

- l. CASE #19-CE-9526 / 1704T**  
**VIOLATOR:** Roger A. and Maureen K. Jacquelin  
**VIOLATION:** Construction without a permit or approvals  
**VIOLATION ADDRESS:** 1715 29<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Paid \$100 civil penalty)**

Mr. Ramsey reported that the civil penalty was paid on February 25, 2019. They have not received or applied for a permit to date. The compliance date was March 15, 2019 to pay the citation and to apply and receive their permit. They have paid the civil penalty, but they have not received their permit. He recommended that they go back to the compliance date of March 15, 2019 and assess a civil penalty of \$100 per day going forward from that day until compliance is reached.

**Mr. Bryant said based on staff's recommendation he would put that in the form of a motion (that the Board issues a Board order finding there is a violation, the violation continues, that continuing civil penalties of \$100 per day commence on March 15, 2019, and the initial civil penalty of \$100 has been paid). Mr. Pizzichillo seconded the motion and it passed unanimously.**

- m. CASE #19-CE-9527 / 1705T**  
**VIOLATOR:** Christopher R. Sanders  
**VIOLATION:** Construction of a fence without a permit  
**VIOLATION ADDRESS:** 1705 29<sup>th</sup> Avenue, Vero Beach,  
Florida 32960

This item was pulled from today's agenda.

**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 2:30 p.m.

/sp