

**CODE ENFORCEMENT BOARD MINUTES**  
**Wednesday, April 11, 2018 – 2:00 p.m.**  
**City Hall, Council Chambers, Vero Beach, Florida**

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

**Unexcused Absences:** Kirk Noonan and Linda Hillman

**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 all witnesses present for today's meeting en masse.

**3. PRELIMINARY MATTERS**

**A) Adoption of Minutes – March 14, 2018**

**Mr. Price made a motion to adopt the minutes of the March 14, 2018 Code Enforcement Board meeting. Mr. Bryant seconded the motion and it passed unanimously.**

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

Ms. Melody Sanderson, Code Officer, pulled Case #18-CE-8179 – PNC Bank Corporate Headquarters from today's agenda. She reported that the property is in compliance and the civil penalty has been paid.

**Mr. Pizzichillo 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**

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

**1. Request for Board Order**

- a. **CASE #18-CE-8299 / 1285M**  
**VIOLATOR:** Libia Cardenas  
**VIOLATION:** Failure to obtain permit for demolition of efficiency apartment  
**VIOLATION ADDRESS:** 2040 32<sup>nd</sup> Street, Vero Beach, Florida 32960

Ms. Sanderson reported that this property was cited in 2017 for converting a single family home into two (2) units by enclosing the carport and making it an efficiency apartment. That case was resolved by the removal of the efficiency by the demolition of the enclosure of the carport. She reported that the homeowner, Mrs. Libia Cardenas, was given a contract by a gentleman to do the work and it stated in the contract that the gentleman would pull the permits (for the demolition of the efficiency apartment). However, he did not pull any permits, he did not go back to the property, and he did not take payment for the work. Mrs. Cardenas is present for today's meeting and acknowledges that no permit was pulled at no fault of her own. Ms. Sanderson asked that the Board allow more time for Mrs. Cardenas to complete the process for an after the fact permit. She noted that the civil penalty has been paid.

Mr. Juan Rodriguez said that he is Mrs. Cardenas' son and resides at the above address.

Ms. Sanderson reported that she spoke with Mr. Rodriguez earlier today and it is her understanding that they are diligently trying to find someone to pull the after the fact permit. She asked that the Board extend the compliance date to May 8, 2018 in order to give them a chance to find a contractor to pull the permit or that they issue a Board order granting them until May 8, 2018 to come into compliance and if not in compliance a continuing civil penalty would commence.

Mr. Pizzichillo asked Ms. Sanderson if that is her recommendation.

Ms. Sanderson requested because the after the fact permit takes time, as well as finding a contractor, that the Board gives them until May 8, 2018 to come into compliance and to give her authorization to allow them an additional 30 days if needed.

Mr. Bryant asked Mr. Rodriguez if they have spoken with any contractors yet.

Mr. Rodriguez said they have been trying to find a licensed contractor, but have not found one as of today.

Mr. Bryant said it is tough to find a contractor right now because they are so busy. He felt that the Board should allow 60 days to come into compliance.

Mr. Pizzichillo felt that May 8<sup>th</sup> was timely and proper. He said if they allow 60 days it could go to 90 days and possibly beyond that. He would like to go with the Code Officer's recommendation.

**Mr. Pizzichillo made a motion that the Board allow until May 8, 2018 to come into compliance with the discretion of the Code Enforcement Officer to give another 30 days**

**(June 12, 2018) and if not in compliance a continuing penalty will commence (\$50 per day). Mr. Bryant seconded the motion and it passed unanimously.**

- b. CASE #18-CE-8179 / 1233M**  
**VIOLATOR:** PNC Bank Corporate Headquarters  
**VIOLATION:** Large drop off area in right-of-way from vehicles exiting the bank  
**VIOLATION ADDRESS:** 1700 Highway A1A, Vero Beach, Florida 32963  
(Failure to pay \$50 Civil Penalty)

This item was pulled from today's agenda.

- c. CASE #17-CE-7535 / 1075M**  
**VIOLATOR:** Gino A. Abbate and Tenants/Occupants  
**VIOLATION:** Failure to obtain Code Compliance and Building Permit for shed  
**VIOLATION ADDRESS:** 1260 29<sup>th</sup> Street, Vero Beach, Florida 32960  
Paid \$50 original Civil Penalty. Continuing penalties of \$50 commenced on July 13, 2017 and the property was found in compliance on March 2, 2018. From July 13, 2018 through March 1, 2018 = 233 days X \$50 per day = \$11,650.00. Please note that there will be recording costs and Attorney fees associated with this case.

Ms. Sanderson reported that the property was found in compliance on March 2, 2018. She requested that the Board issues a Board order finding compliance and ceasing the continuing civil penalties.

**Mr. Price made a motion that the property was found in compliance and to cease the continuing penalties as of March 2, 2018. Mr. Pizzichillo seconded the motion and it passed unanimously.**

- d. CASE #17-CE-7344 / 1035M**  
**VIOLATOR:** Paul Petersen and Co., Inc. / Paul Petersen, Agent  
**VIOLATION:** Failure to obtain Code Compliance for additional impervious surface installed  
**VIOLATION ADDRESS:** 3646 North U.S.1, Vero Beach, Florida 32960  
(Continuing penalties of \$50 per day commenced on October 27, 2017 and the property was found in compliance on March 5, 2018 for a total of 127 days (October 28, 2017 through March 4, 2018) times \$50 per day = \$6,350. The initial civil penalty of \$50 has not been paid, therefore the total due is estimated at \$6,400, plus all costs of recording and fees due to the City)

Ms. Sanderson reported that the property was found in compliance on March 5, 2018. She requested that the Board issues a Board Order finding compliance and ceasing the continuing penalties as of March 4, 2018.

Mr. Paul Petersen, property owner, reported that when he applied for a permit the City Engineer told him they needed a survey. He reported that they ordered a survey, but it took eight (8) months to get the Surveyor to come to the property.

**Mr. Price made a motion to find the property in compliance as of March 4, 2018 and to cease the continuing penalties. Mr. Pizzichillo seconded the motion and it passed unanimously.**

Mr. Petersen asked what is the cost of the continuing penalties to date.

Mr. Price said \$6,400 plus costs of the City.

Mr. Petersen said the total cost of the gutter and drain was about \$500. He felt that a \$6,500 fine for \$500 worth of work was a bit much.

Ms. Sanderson reported that Mrs. Cheri Fitzgerald of the City Planning and Development Department reached out to Mr. Petersen to get Code Compliance and did not have any response. Therefore, the application became void. She reported that no one in the Planning and Development Department was aware that he was working to get a surveyor or was unable to get a survey.

Mr. Petersen said that Mrs. Fitzgerald told him to get a survey and then they will know what they were looking at. So he was waiting on the survey and did not realize that he was being fined.

Mr. Pizzichillo questioned, so you didn't receive any written communication at all.

Mr. Petersen said maybe his secretary received something.

The Deputy City Clerk reported that the Board Order was mailed in October and it did not come back to the City undeliverable.

Mr. Pizzichillo asked Mr. Petersen why he didn't respond to the Board Order.

Mr. Petersen said that he does not collect the mail, not that it is any excuse, but his secretary who is no longer with him was the person who collected the mail. He said if he needs to pay the \$6,500 he will, but to him it is a joke. He would have just ripped the parking lot up.

Mr. Pizzichillo said that he understands where Mr. Peterson is coming from, but the other side of the coin is when something as serious as this comes in the mail there should be a response. He said that he didn't think the penalty should be \$6,500, but it should be something. He suggested reducing the civil penalty to \$200.

**Mr. McDonald made a motion that the Board issues a Board Order to pay a civil penalty in the amount of \$200 plus costs of the City. 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 2:21 p.m.

/sp