

CODE ENFORCEMENT BOARD MINUTES
Wednesday, May 8, 2019 – 2:00 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Kirk Noonan; Vice Chairman, Eric Price; Members: Frank Pizzichillo, Chris Bryant, Stephen McDonald, 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

Excused Absences: Linda Hillman and Jeff 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 en masse.

3. PRELIMINARY MATTERS

A) Adoption of Minutes – April 10, 2019

Mr. Pizzichillo made a motion to approve the minutes of the April 10, 2019 Code Enforcement Board meeting. Mr. McDonald seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Mr. Tom Ramsey, Code Enforcement Officer, pulled Case #19-CE-9726 – Poole of Investments, Inc., from today's agenda. He reported that in lieu of this case moving forward with the appeal, he chose to close the case. He then pulled Case #19-CE-9691 – MedMark Veteran Services, LLC; Case #19-CE-9690 – Armund and Marie Ek; Case #19-CE-9688 – Robert A. and Melvena M. Grice; and Case #19-CE-9750 – Tim Loannides from today's agenda. He reported that the citations have all been paid.

Ms. Melody Sanderson, Code Enforcement Officer, pulled the following cases from today's agenda: Case #19-CE-9773 – JC Rental and Investment, Inc. / James Schlitt, Agent; Case #19-CE-9772 - JC Rental and Investment, Inc. / James Schlitt, Agent; Case #19-CE-9771 - JC Rental and Investment, Inc. / James Schlitt, Agent; Case #19-CE-9768 - JC Rental and Investment, Inc. / James Schlitt, Agent; Case #19-CE-9769 - JC Rental and Investment, Inc. / James Schlitt, Agent; Case #19-CE-9770 - JC Rental and Investment, Inc. / James Schlitt, Agent; Case #19-CE-9585 – John Kevin Cullen; Case #19-CE-9717 – Alan's Bicycle Center, Inc.; Case #19-CE-9784 – T Mobile / Magenta Wireless, LLC / JLG Corporate Services, Inc., Agent; Case #19-CE-9731 – Village Spires Condo Association / Choice Management; and Case #19-CE-9725 – Ocean Club III, Keystone Property Management from today's agenda.

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

4. UNLICENSED CONTRACTORS/CITATIONS

None

5. EVIDENTIARY HEARINGS

A) Citation Appeals

1. CASE #19-CE-9726 / 1788T

VIOLATOR: Poole of Investments, Inc.

ATTORNEY: Charles E. Garris, Esquire

VIOLATION: Garbage receptacle storage

VIOLATION ADDRESS: 1211 Indian Mound Trail, Vero Beach, Florida 32963

This item was pulled from today's agenda.

B) Non-Compliance / Compliance Reports

1. Request for Board Order

a. CASE #18-CE-8800 / 1552M

VIOLATOR: JC Rental and Investment, Inc. / James Schlitt, Agent and Michaela Wasdin, Tenant

VIOLATION: Public Nuisance

VIOLATION ADDRESS: 1228 24th Street, Lot 10, Vero Beach, Florida 32960

(Code Officer found in compliance on October 9, 2018. Continuing penalties from August 21, 2018 through October 8, 2018 = 49 days x \$50 per day = \$2,450. Original civil penalty of \$50 has been paid).

Ms. Sanderson reported that the property came into compliance on October 8, 2018. She requested that the Board issues an order to pay the initial civil penalty of \$50 and the days the property was not in compliance.

Mr. Price noted that the initial civil penalty of \$50 was paid.

Ms. Sanderson said that is correct. She requested that the Board issues an order for the days the property was not in compliance, which the property was brought into compliance on October 8, 2018.

Mr. Pizzichillo made a motion to accept staff's recommendation.

Ms. Kira Honse, Interim City Attorney, noted that the Board would need to find the property in compliance.

Mr. Pizzichillo amended his motion that the Board finds the property in compliance on October 8, 2019 and to accept staff's recommendation (that the Board finds the property in compliance as of October 8, 2019, to cease the continuing penalties of \$50 per day, and to pay the continued penalties of \$50 per day times 49 days). Mr. McDonald seconded the motion and it passed unanimously.

- b. CASE #19-CE-9773 / 1924M**
VIOLATOR: JC Rental and Investment, Inc. / James Schlitt, Agent
VIOLATION: Electric and plumbing work without a permit
VIOLATION ADDRESS: 1228 24th Street, Lot 43, Vero Beach, Florida 32960
(Failure to pay \$100 civil penalty)

This item was pulled from today's agenda.

- c. CASE #19-CE-9772 / 1923M**
VIOLATOR: JC Rental and Investment, Inc. / James Schlitt, Agent
VIOLATION: Electric and plumbing work without a permit
VIOLATION ADDRESS: 1228 24th Street, Lot 35, Vero Beach, Florida 32960
(Failure to pay \$100 civil penalty)

This item was pulled from today's agenda.

- d. CASE #19-CE-9771 / 1922M**
VIOLATOR: JC Rental and Investment, Inc. / James Schlitt, Agent
VIOLATION: Water heater installed without permits / non-operable Chevrolet pickup
VIOLATION ADDRESS: 1228 24th Street, Lot 34, Vero Beach, Florida 32960
(Failure to pay \$100 civil penalty)

This item was pulled from today's agenda.

- e. CASE #19-CE-9768 / 1919M**
VIOLATOR: JC Rental and Investment, Inc. / James Schlitt, Agent
VIOLATION: Construction and electrical work without a permit
VIOLATION ADDRESS: 1228 24th Street, Lot 20, Vero Beach, Florida 32960
(Failure to pay \$100 civil penalty)

This item was pulled from today's agenda.

- f. CASE #19-CE-9769 / 1920M**

VIOLATOR: JC Rental and Investment, Inc. / James Schlitt,
Agent
VIOLATION: Construction, electrical, and plumbing work
without a permit
VIOLATION ADDRESS: 1228 24th Street, Lot 27, Vero
Beach, Florida 32960
(Failure to pay \$100 civil penalty)

This item was pulled from today's agenda.

- g. CASE #19-CE-9770 / 1921M**
VIOLATOR: JC Rental and Investment, Inc. / James Schlitt,
Agent
VIOLATION: Electric added without a permit
VIOLATION ADDRESS: 1228 24th Street, Lot 28, Vero
Beach, Florida 32960
(Failure to pay \$100 civil penalty)

This item was pulled from today's agenda.

- h. CASE #19-CE-9585 / 1852M**
VIOLATOR: John Kevin Cullen
VIOLATION: Zoning violation
VIOLATION ADDRESS: 920 Tropic Drive, Vero Beach,
Florida 32963
(Paid \$500 civil penalty)

This item was pulled from today's agenda.

- i. CASE #19-CE-9665 / 1878M**
VIOLATOR: All County Mower & Landscape Supply / D K
Delisle / 29th Street Trade Center, LLC / Danny Delisle
VIOLATION: False alarm
VIOLATION ADDRESS: 2950 US Highway 1, Vero Beach,
Florida 32960
(Failure to pay \$50 civil penalty)

Ms. Sanderson reported that service of the citation was provided by certified mail. The civil penalty has not been paid. She requested that the Board issues an order finding there was a violation, the property is now in compliance, and to pay the \$50 civil penalty.

Ms. Honse noted that the violation is a false alarm violation, which is an uncorrectable violation.

Mr. Noonan made a motion that there was a violation and it is now in compliance and that the Board issues a Board order to pay the \$50 civil penalty (that the Board finds there was a violation, the violation has been corrected, and to issue an order to pay the initial \$50 civil penalty). Mr. McDonald seconded the motion and it passed unanimously.

- j. **CASE #19-CE-9717 / 1894M**
VIOLATOR: Alan's Bicycle Center, Inc. / Alan J. Stadnick,
Agent
VIOLATION: False alarm
VIOLATION ADDRESS: 2020 Commerce Avenue, Vero
Beach, Florida 32960
(Failure to pay \$100 civil penalty)

This item was pulled from today's agenda.

- k. **CASE #19-CE-9651 / 1874M**
VIOLATOR: US Bank Trust NA (TRS)
VIOLATION: Dead Oak Tree removed without a permit
VIOLATION ADDRESS: 2208 Buena Vista Boulevard, Vero
Beach, Florida 32960

Ms. Sanderson reported that service of the citation was provided by certified mail. The violation has not been corrected and the civil penalty has not been paid. She requested that the Board issues an order finding there is a violation, the violation continues, to allow 10 days to correct the violation or continuing penalties shall commence on March 28, 2019 and a cost of enforcement of \$74.85.

Mr. Pizzichillo made a motion to accept staff's recommendation (that the Board issues a Board order finding there is a violation, the violation continues, to allow 10 days to correct the violation or continuing penalties of \$50 per day shall commence on March 28, 2019, to pay the cost of enforcement of \$74.85 and the initial civil penalty of \$50). Mr. Bryant seconded the motion and it passed unanimously.

- l. **CASE #19-CE-9737 / 1908M**
VIOLATOR: Patio Restaurant of Vero Beach, Inc. / William
J. Brown / Changes in Latitudes, LLC, d/b/a The Patio
VIOLATION: False alarm
VIOLATION ADDRESS: 1103 21st Street, Vero Beach,
Florida 32960
(Failure to pay \$250 civil penalty)

Ms. Sanderson reported that the civil penalty has not been paid. She requested that the Board issues an order to pay the civil penalty of \$250 and the cost of enforcement of \$48.86.

Mr. Pizzichillo made a motion to accept staff's recommendation (that the Board issues a Board order to pay the initial civil penalty of \$250 and the cost of enforcement of \$48.86). Mr. Bryant seconded the motion and it passed unanimously.

- m. **CASE #19-CE-9784 / 1929M**
VIOLATOR: T Mobile / Magenta Wireless, LLC / JLG
Corporate Services, Inc., Agent
VIOLATION: False alarm
VIOLATION ADDRESS: 524 21st Street, Vero Beach,
Florida 32960
(Failure to pay \$100 civil penalty)

This item was pulled from today's agenda.

- n. **CASE #19-CE-9782 / 1928M**
VIOLATOR: PNC Bank NA
VIOLATION: False alarm
VIOLATION ADDRESS: 655 21st Street, Vero Beach,
Florida 32960
(Failure to pay \$250 civil penalty)

Ms. Sanderson reported that this is an uncorrectable violation and the civil penalty has not been paid. She requested that the Board issues an order to pay the initial civil penalty of \$250 and the cost of enforcement of \$40.24.

Mr. Noonan made a motion that the Board finds there was an uncorrectable violation and that the Board issues an order to pay the \$250 civil penalty and the cost of enforcement of \$40.24. Mr. Pizzichillo seconded the motion and it passed unanimously.

- o. **CASE #19-CE-9743 / 1909M**
VIOLATOR: PNC Bank NA
VIOLATION: False alarm
VIOLATION ADDRESS: 958 20th 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 civil penalty was paid yesterday. She requested that the Board issues an order to pay the enforcement cost of \$45.86. This is an uncorrectable violation.

Mr. Pizzichillo made a motion that it is uncorrectable and to accept staff's recommendation (that the Board issues a Board order to pay the initial civil penalty of \$250 and the cost of enforcement of \$45.86). Mr. McDonald seconded the motion and it passed unanimously.

- p. **CASE #19-CE-9731 / 1904M**
VIOLATOR: Village Spires Condo Association, c/o Choice
Management
VIOLATION: Sea Turtle lighting
VIOLATION ADDRESS: 3554 Ocean Drive, Vero Beach,
Florida 32963

This item was pulled from today's agenda.

- q. **CASE #19-CE-9725 / 1930M**
VIOLATOR: Ocean Club III, c/o Keystone Property
Management
VIOLATION: Sea Turtle lighting
VIOLATION ADDRESS: 4450 Highway A1A, Vero Beach,
Florida 32963

This item was pulled from today's agenda.

- r. **CASE #19-CE-9691 / 1773T**
VIOLATOR: MedMark Veteran Services, LLC
VIOLATION: False alarm
VIOLATION ADDRESS: 372 17th Street, Vero Beach,
Florida 32960
(Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

- s. **CASE #19-CE-9690 / 1772T**
VIOLATOR: Armund and Marie Ek
VIOLATION: False alarm
VIOLATION ADDRESS: 2415 Club Drive, Vero Beach,
Florida 32963
(Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

- t. **CASE #19-CE-9688 / 1769T**
VIOLATOR: Robert A. and Melvena M. Grice
VIOLATION: False alarm
VIOLATION ADDRESS: 125 McKee Lane, Vero Beach,
Florida 32960
(Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

- u. **CASE #19-CE-9710 / 1783T**
VIOLATOR: George and Elizabeth McFarland
VIOLATION: False alarm
VIOLATION ADDRESS: 935 Seagrape Lane, Vero Beach,
Florida 32963
(Failure to pay \$50 civil penalty)

Mr. Ramsey reported that the citation was signed for on April 8, 2019. The citation has not been paid. He requested a Board order to pay the civil penalty. This is an uncorrectable violation.

Mr. Price made a motion that Case #19-CE-9710 is an uncorrectable violation and to issue an order to pay the \$50 civil penalty (that the Board issues a Board order to pay the initial civil penalty of \$50). Mr. McDonald seconded the motion and it passed unanimously.

- v. **CASE #19-CE-9750 / 1795T**
VIOLATOR: Tim Loannides
VIOLATION: False alarm
VIOLATION ADDRESS: 1340 Olde Doubloon Drive, Vero
Beach, Florida 32960

(Failure to pay \$50 civil penalty)

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

Ms. Honse reported that she has enjoyed serving as the Board's Attorney for the last two and a half years and she is going to miss working with them.

Mr. Pizzichillo said that he finds her to be a personable, well qualified person, and that she has done her utmost to make this a successful Board. He said the City of Vero Beach has profited by her diligence and hard work. He thanked her for her service.

10. CHAIRMAN'S MATTERS

None

11. MEMBER'S MATTERS

None

12. ADJOURNMENT

Today's meeting adjourned at 2:12 p.m.

/sp