

# SPECIAL CALL CODE ENFORCEMENT BOARD MINUTES

Wednesday, July 19, 2023 – 3:00 p.m.

City Hall, Council Chambers, Vero Beach, Florida

**PRESENT:** Chairman, Eric Price; Vice Chairman, Stephen McDonald; Members: Christopher Bryant, Linda Hillman, Ken Daige and Eva Lauer **Also Present:** City Attorney, John Turner and Deputy City Clerk, Sherri Philo

**Excused Absence:** Frank Pizzichillo

## 1. CALL TO ORDER

Today's meeting was called to order at 3:00 p.m.

The Chairman led the Board members and the audience in the Pledge of Allegiance to the flag.

Mr. John Turner, City Attorney, said they would not be taking any testimony today. This was more of a procedural matter.

## 2. **This Special Call meeting is being held to amend the Board order of July 12, 2023, and to inform the public and give NOTICE to the Violator for her or her representative to appear and show cause why the property at the address listed below should not be declared a public nuisance pursuant to Section 2-304(a), City Code, at the Code Enforcement Board hearing to be held on August 9, 2023, at 1:30 p.m., in the City Hall, Council Chambers.**

- **CASE #23-CE-13167 AND CASE #18-CE-9257**  
**VIOLATOR:** Dorothy M. Lucey (Le) and Maureen J. Lucey  
**VIOLATION ADDRESS:** 1215 Spanish Lace Lane, Vero Beach, Florida 32963

Mr. John Turner, City Attorney, explained that this is before the Board as a procedural matter more than a subsidy matter. They discussed the subsidy matter last Wednesday at their Code Enforcement Board meeting in which the Board agreed to a Board order regarding this property and whether it was in violation of Section 2-304 (a) of the City Code. Before the Board formally incorporates that Board order in writing, he recommended that the Board amends the Board order to change the findings of the violation to setting the matter for a hearing at the next Code Enforcement Board meeting on August 9, 2023, at 1:30 p.m., and have the property owner, Ms. Dorothy M. Lucey, come before the Board and show cause why this property should not be declared a public nuisance under the evidence that was presented to the Board last Wednesday. He said because of the actions that they were recommending be taken on the property, this matter should be set to allow the property owner or her representative to come in and testify under oath as to what the conditions are before the Board enters a Board order finding a public nuisance. He asked that the Board amends the Board order and issue a new Board order directing the property owner to appear before the Code Enforcement Board on August 9, 2023, at 1:30 p.m., to show cause why this property should not be declared a public nuisance under Section 2-304 (a). He noted that the property owner was not present today, but she did have a representative present in the form of a court reporter. The property owner also sent another representative court reporter to their meeting last Wednesday. He said that she also filed with the City Clerk's office various emails requesting that the information be passed along to the Board members for their review. He said they could do that, however he was not recommending that they consider it at this time. He felt under the City's rules and procedures the evidence needed to be supported by testimony from sworn witnesses

or exhibits that are admitted. He said this is a Special Call meeting and it was not the appropriate time to present that evidence. He noted that this would be placed on their regular agenda on August 9, 2023.

Mrs. Hillman asked hasn't the property owner had plenty of time during the other meetings to appear.

Mr. Turner said they have never raised this point or presented it in this fashion under this Section of the City Code. She has had plenty of opportunities to appear on Code Enforcement matters. With this, she is to come in and show with her evidence and testimony why the property should not be declared a public nuisance.

Mr. Price noted that the Board made a motion to deny the appeal and to declare the property a public nuisance.

Mr. Turner said that is correct.

**Mr. Price made a motion for Case #23-CE-13167 that the Board issues a new Board order to request that the violator or her representative to appear so that they can show cause why the property at that address listed should not be declared a public nuisance pursuant to Section 2-304 (a) of the City Code at the next meeting to be held August 9, 2023, at 1:30 p.m. Mr. McDonald seconded the motion and it passed unanimously.**

**Mr. Price made a motion for Case #18-CE-9257 for a Board order to inform the public and give notice to the violator for her or her representative to appear and show cause why the property at the address listed should not be declared a public nuisance pursuant to Section 2-304 (a) of the City Code at the Code Enforcement Board hearing to be held on August 9, 2023, at 1:30 p.m., in the City Hall, Council Chambers. Mr. McDonald seconded the motion and it passed unanimously.**

### **3. PUBLIC COMMENT**

None

### **4. ADJOURNMENT**

Today's meeting adjourned at 3:08 p.m.

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