

**CODE ENFORCEMENT BOARD MINUTES**  
**Wednesday, August 8, 2018 – 2:00 p.m.**  
**City Hall, Council Chambers, Vero Beach, Florida**

**PRESENT:** Chairman, Kirk Noonan; Vice Chairman, Erik Price; Members: Chris Bryant and Linda Hillman **Also Present:** Assistant City Attorney, Kira Honse; Code Enforcement Officer, Melody Sanderson; Code Enforcement Officer, Thomas Ramsey and Deputy City Clerk, Sherri Philo

**Excused Absences:** Stephen McDonald, Frank Pizzichillo and Jeff McGann

**1. CALL TO ORDER**

Today's meeting was called to order at 2:01 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 –May 9, 2018**

**Mr. Noonan made a motion to adopt the minutes of the May 9, 2018 Code Enforcement Board meeting. Mr. Bryant seconded the motion and it passed unanimously.**

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

Mr. Thomas Ramsey, Code Enforcement Officer, pulled Case #18-CE-8489 – Ibis Gardens Apartments, LLC- from today's agenda. He reported that the property is in compliance and the civil penalty has been paid. He then pulled Case #18-CE-8505 – Killinda A. Williams and Case #18-CE-8571 – Terry Woodrow Fountain from today's agenda. He reported that both properties are in compliance and their citations have been rescinded. He then pulled Case #18-CE-8603 – Titone Properties, LLC / Brian T. Davis from today's agenda. He reported that the property is in compliance and the civil penalty has been paid.

Ms. Melody Sanderson, Code Enforcement Officer, referred to item 5-A)1b – Case #18-CE-8529 – Melvin and Ruth Tanchel on today's agenda. She reported that the property owner no longer wishes to appeal the citation and the civil penalty has been paid. She said this case will be heard under Request for Board order on today's agenda.

Ms. Sanderson pulled Case #18-CE-8546 – David H. Bishop, Case #18-CE-8596 – Jerry Wahl, and Case #18-CE-8613 – Leigh and Company Jewelers, Inc. from today's agenda. She reported that these properties are in compliance and the civil penalties have been paid. She then pulled Case #18-CE-8627 – Becki Lynn Raymond from today's agenda. She reported that the Building Department is working with the Property Owner on this case and the civil penalty has been paid. She then pulled Case #18-CE-8659 – Ignacio and Adelaida

Lizama and Case #18-CE-8645 – Remax Realty / Wendy Wilson from today’s agenda. She reported that the properties are in compliance and the civil penalties have been paid.

Ms. Sherri Philo, Deputy City Clerk, pulled Case #18-CE-8416 – Grind + Grape / James M. Charlton / Barbara Monday from today’s agenda. She reported that the property owner no longer wishes to appeal and the civil penalty has been paid. She then pulled Case #18-CE-8642 - John Desjardins from today’s agenda. She reported that the property owner does not wish to appeal the citation and the civil penalty has been paid (property is in compliance per Code Officer).

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

**C) False Alarm Enforcement Information**

This item was heard later on the agenda.

\*Please note that the cases listed on today’s agenda were not heard in the order that they are listed on the agenda.

**4. UNLICENSED CONTRACTORS/CITATIONS**

None

**5. EVIDENTIARY HEARINGS**

**A) Citation Appeals**

- 1. a. CASE #18-CE-8416 / 042018-146**  
**VIOLATOR:** Grind + Grape / James M. Charlton / Barbara Monday owner  
**VIOLATION ADDRESS:** 925 Bougainvillea Lane, Vero Beach, Florida 32963  
**VIOLATION:** Noise

This item was pulled from today’s agenda.

- b. CASE #18-CE-8529 / 1380M**  
**VIOLATOR:** Melvin and Ruth Tanchel (TRS) / Thomas W. Repczynski, Attorney  
**VIOLATION:** Failure to obtain permit for interior commercial alteration  
**VIOLATION ADDRESS:** 4800 Highway A1A, #406, Vero Beach, Florida 32963

Ms. Sanderson reported that service of the citation was provided by certified return receipt. The violation has not been corrected as of today and the civil penalty has been paid. She requested that the Board issues a Board order allowing an additional 30 days to come into compliance with an additional 30 days at the Code Officer’s discretion.

**Mr. Price made a motion that the Board finds there is a violation, to allow 30 days to come into compliance with an additional 30 days at the Code Officer's discretion and if the property is not in compliance as of the date then a continuing civil penalty of \$50 per day shall commence. Mr. Bryant seconded the motion and it passed unanimously.**

- c. CASE #18-CE-8642 / 1430M**  
**VIOLATOR:** John Desjardins  
**VIOLATION ADDRESS:** 2675 10<sup>th</sup> Court, Vero Beach, Florida 32960  
**VIOLATION:** New roof installed without a permit  
**(Repeat violation: \$100 civil penalty)**

This item was pulled from today's agenda.

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

**1. Request for Board Order**

- a. CASE #18-CE-8199 / 1244M**  
**VIOLATOR:** Sturgis Family's 20<sup>th</sup> Street, LLC  
**VIOLATION:** Public Nuisance / Any tree which is dead or contains dead wood in the trunk, branches, or limbs so as to constitute a hazard  
**VIOLATION ADDRESS:** 2900 20<sup>th</sup> Street, Vero Beach, Florida 32960  
**(Property found in compliance on May 10, 2018: Paid \$50 civil penalty: Cost of Enforcement in the amount of \$63.40 has not been paid)**

Ms. Sanderson reported that the property was found in compliance on May 10, 2018 and the civil penalty and the cost of enforcement have been paid. She requested that the Board issues a Board order finding compliance.

**Mr. Noonan made a motion that the Board issues a Board order finding there was a violation, the violation has been corrected as of May 10, 2018, and the civil penalty and cost of enforcement has been paid. Mrs. Hillman seconded the motion and it passed unanimously.**

- b. CASE #18-CE-7675 / 1100M**  
**VIOLATOR:** Jeremiah Joseph Coonen, Jr. and Priscilla Pamela Richardson  
**VIOLATION:** Failure to obtain after the fact permits  
**VIOLATION ADDRESS:** 2140 28<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Property found in compliance on April 30, 2018: Paid \$50 civil penalty – Code Officer allowed additional time to correct, therefore there are no continuing penalties)**

Ms. Sanderson reported that the property was found in compliance on April 30, 2018 and the civil penalty has been paid. She requested that the Board issues a Board order finding compliance.

**Mr. Noonan made a motion that the Board finds the property in compliance as of April 30, 2018 and the civil penalty has been paid. Mr. Bryant seconded the motion and it passed unanimously.**

- c. **CASE #18-CE-8299 / 1285M**  
**VIOLATOR:** Libia Cardenas  
**VIOLATION:** Failure to obtain permits  
**VIOLATION ADDRESS:** 2140 28<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Property found in compliance on May 29, 2018: Paid \$50 civil penalty – Code Officer allowed additional time to correct, therefore there are no continuing penalties)**

Ms. Sanderson reported that the property was found in compliance on May 29, 2018 and the civil penalty has been paid. She requested that the Board issues a Board order finding compliance.

**Mr. Price made a motion that the Board finds the property in compliance as of May 29, 2018 and the civil penalty has been paid. Mr. Bryant seconded the motion and it passed unanimously.**

- d. **CASE #18-CE-8411 / 1348M**  
**VIOLATOR:** Cottonways, Inc / Jennifer Davis, Agent dba / Cottonways  
**VIOLATION:** False alarm  
**VIOLATION ADDRESS:** 2059 Indian River Boulevard, Vero Beach, Florida 32960

Ms. Sanderson reported that the Board received information regarding false alarms in their agenda package (item 3-C under Preliminary Matters). She reported that active enforcement on false alarms began on March 1, 2018. As of August 5, 2018, she has initiated 149 cases. She explained that the procedure on false alarms begins with a warning citation and then it goes to a citation with penalties and the penalties escalate with each citation after. There were 22 first billable false alarms at \$50, five (5) second billable false alarms at \$100, and three (3) people have taken the optional Alarm User Class. She said that she has seen a difference in the number of false alarms they are responding to so this Ordinance has been affective. She reported that last year the Police Department responded to 1,862 alarms.

Ms. Sanderson reported that service of the citation for Case #18-CE-8411 was provided by certified return receipt. The violation has been corrected and the civil penalty has not been paid. She reported that she was told yesterday by the violator's husband that they would be mailing the check for payment of the civil penalty. She requested that the Board issues a Board order to pay.

Mrs. Hillman said in the backup information provided, it states that the third false alarm within one (1) year would be \$100. This is the third false alarm for this property and the civil penalty is \$50.

Ms. Sanderson explained that if a citation is received and the violator has not been given a Board order finding them in violation then the civil penalty would remain the same.

**Mr. Noonan made a motion that the Board finds there was a violation and that the Board issues a Board order to pay. Mr. Price seconded the motion and it passed unanimously.**

- e. **CASE #18-CE-8420 / 1346T**  
**VIOLATOR:** Scott A. and Deborah Ann Bell; Debra Young – James A. Young  
**VIOLATION:** Construction without a permit  
**VIOLATION ADDRESS:** 1806 24<sup>th</sup> Avenue, Vero Beach, Florida 32960

Mr. Ramsey reported that the civil penalty was paid today, which is an admission of guilt. They have asked for a 90-day extension to bring the property into compliance, which he agreed to because there was a death in the family and there are about five (5) people listed on the title and they need time to figure out who owns what.

**Mr. Price made a motion that the Board finds there is a violation, the civil penalty has been paid and to allow an extension of 90 days to bring the property into compliance or a continuing civil penalty of \$50 per day shall commence. Mrs. Hillman seconded the motion and it passed unanimously.**

- f. **CASE #18-CE-8400 / 1341M**  
**VIOLATOR:** Mary E. Boozer  
**VIOLATION:** Wood deck installed on front of house without Code Compliance or a permit  
**VIOLATION ADDRESS:** 2201 Bonita Avenue, Vero Beach, Florida 32960

Ms. Sanderson reported that service of the citation was provided by property posting after the certified letter was returned unclaimed. The violation has not been corrected and the civil penalty has not been paid. She requested that the Board issues a Board order to pay the initial civil penalty and to allow 30 days to correct the violation with a one (1) time extension of 30 days at the Code Officer's discretion and if they are not in compliance a continuing civil penalty would commence.

Mr. Noonan asked has there been any contact with the property owner.

Ms. Sanderson answered no.

Mr. Price asked is there anyone living on the property.

Ms. Sanderson answered yes.

**Mr. Price made a motion that the Board finds that there is a violation and that the Board issues a Board order finding the property in violation, to pay the civil penalty, and to allow 30 days to come into compliance giving the Code Officer the option to allow an additional 30 days and if not in compliance that a continuing civil penalty of \$50 per day shall commence. Mr. Bryant seconded the motion and it passed unanimously.**

- g. CASE #18-CE-8489 / 1354T**  
**VIOLATOR:** Ibis Gardens Apartments, LLC  
**VIOLATION:** Debris, trash, foliage, shopping carts, and furniture strewn about the dumpster area and in front of apartments  
**VIOLATION ADDRESS:** 736 19<sup>th</sup> Place, Vero Beach, Florida 32960  
**(Repeat violation: \$150 civil penalty)**

This item was pulled from today's agenda.

- h. CASE #18-CE-8505 / 1358T**  
**VIOLATOR:** Killinda A. Williams  
**VIOLATION:** Unstored items, trash or debris within the yard and driveway  
**VIOLATION ADDRESS:** 1936 35<sup>th</sup> Avenue, Vero Beach, Florida 32960

This item was pulled from today's agenda.

- i. CASE #18-CE-8546 / 1392M**  
**VIOLATOR:** David H. Bishop  
**VIOLATION:** Failure to obtain code compliance or building permit  
**VIOLATION ADDRESS:** 2716 10<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Failure to pay \$50 civil penalty)**

This item was pulled from today's agenda.

- j. CASE #18-CE-8545 / 1391M**  
**VIOLATOR:** Robins Antique Boutique / Robin Glotzer  
**VIOLATION:** Garage enclosed and windows/door installed without code compliance from the City of Vero Beach or permit from the Indian River County Building Department  
**VIOLATION ADDRESS:** 1717 20<sup>th</sup> Avenue, Vero Beach, Florida 32960

Ms. Sanderson reported that service of the citation was provided by property posting. The violation has not been corrected as of today's hearing and the civil penalty has been paid. She reported that the property owner has been working with the Building Department and with an engineer to bring the property into compliance. She requested that the Board issues a

Board order allowing an additional 30 days to come into compliance with an additional 30 days at the Code Officer's discretion.

**Mr. Noonan made a motion that the Board finds the property is in violation and that they grant a 30-day extension with an additional 30 days at the Code Officer's discretion and if the property is not in compliance within that time a continuing civil penalty of \$50 per day shall commence. Mr. Price seconded the motion and it passed unanimously.**

- k. CASE #18-CE-8596 / 1409M**  
**VIOLATOR:** Jerry Wahl  
**VIOLATION:** Interior demolition without a permit  
**VIOLATION ADDRESS:** 1004 20<sup>th</sup> Place, Vero Beach, Florida 32960

This item was pulled from today's agenda.

- l. CASE #18-CE-8613 / 1416M**  
**VIOLATOR:** Leigh and Company Jewelers, Inc. / Mark Leigh  
**VIOLATION:** False alarm  
**VIOLATION ADDRESS:** 3401 Ocean Drive, Vero Beach, Florida 32963

This item was pulled from today's agenda.

- m. CASE #18-CE-8598 / 1410M**  
**VIOLATOR:** Michael Clark, Jr.  
**VIOLATION:** False alarm  
**VIOLATION ADDRESS:** 215 Conn Way, Vero Beach, Florida 32963

Ms. Sanderson reported that service of the citation was provided by property posting after the certified return receipt came back unclaimed. She reported that the violation has been corrected and the civil penalty has not been paid. She requested that the Board issues a Board order to pay the initial civil penalty.

**Mr. Noonan made a motion that the Board finds there was a violation and that the Board issues a Board order to pay the initial civil penalty of \$50. Mrs. Hillman seconded the motion and it passed unanimously.**

- n. CASE #18-CE-8627 / 1425M**  
**VIOLATOR:** Becki Lynn Raymond  
**VIOLATION:** Porch enclosed without Code Compliance Certification or building permit  
**VIOLATION ADDRESS:** 1745 34<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Paid \$50 civil penalty)**

This item was pulled from today's agenda.

- o. CASE #18-CE-8571 / 1262T**  
**VIOLATOR:** Terry Woodrow Fountain and Janet Ruth Bryant  
**VIOLATION:** Grass, weeds, and undergrowth in excess of 12”  
**VIOLATION ADDRESS:** 827 19<sup>th</sup> Place, Vero Beach, Florida 32960  
**(Failure to pay \$50 civil penalty)**

This item was pulled from today’s agenda.

- p. CASE #18-CE-8603 / 1363T**  
**VIOLATOR:** Titone Properties, LLC / Brian T. Davis  
**VIOLATION:** Grass, weeds, and undergrowth in excess of 12”  
**VIOLATION ADDRESS:** 1923 9<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Repeat violation: \$100 civil penalty)**

This item was pulled from today’s agenda.

- q. CASE #18-CE-8659 / 1446M**  
**VIOLATOR:** Ignacio and Adelaida Lizama  
**VIOLATION:** False alarm  
**VIOLATION ADDRESS:** 745 Greytwig Road, Vero Beach, Florida 32963

This item was pulled from today’s agenda.

- r. CASE #18-CE-8656 / 1443M**  
**VIOLATOR:** Gerald Capak, Judith Capak / Theresa Marie Flagella and Jessuca Flagella  
**VIOLATION:** Zoning violations  
**VIOLATION ADDRESS:** 1642 14<sup>th</sup> Court, Vero Beach, Florida 32960

Ms. Sanderson reported that the violators were cited for occupying a camper at a commercial property located at 1642 14th Court. Service of the citation was provided by certified return receipt and by posting on the occupied camper. The violation has been corrected and the civil penalty has not been paid. She reported that she received a telephone call this morning from Mr. Gerald Capak, property owner, who stated that the occupants in the camper were his son’s wife’s relatives. He said that he is selling the property and is a local citizen who is going blind. He said that he wanted the citation rescinded. She told him that once the case is scheduled to go before the Board it is out of her hands and encouraged him to attend today’s hearing. He then said something to the affect of her representing him and then hung up the telephone.

Mr. Price felt that if it is in compliance then they should rescind the citation.

**Mr. Noonan made a motion that the Board finds there was a violation, the violation has been corrected and that no civil penalty be enforced.**



Mrs. Hillman said her question is that they did not pay the civil penalty and there was an admission that there were people living in the camper. She asked is that correct.

Ms. Sanderson answered yes. She said that Mr. Capak knew they were there and there was an electric cord going from the camper to one (1) building and a hose that went from the camper to another building so there were many people who knew what was going on.

**Mr. Bryant seconded the motion and it passed unanimously.**

- s. **CASE #18-CE-8645 / 1433M**  
**VIOLATOR:** Remax Realty / Wendy Wilson  
**VIOLATION:** False alarm  
**VIOLATION ADDRESS:** 5055 Highway A1A, Vero Beach, Florida 32963

This item was pulled from today's agenda.

- t. **CASE #18-CE-8648 / 1436M**  
**VIOLATOR:** Village Spires Condo Association, Inc. / AR Choice Management  
**VIOLATION:** Turtle lighting violation  
**VIOLATION ADDRESS:** 3554 Ocean Drive, Vero Beach, Florida 32963

Ms. Sanderson reported that service of the citation was provided by certified receipt and by posting of the property. The violation has not been corrected as of this morning and the civil penalty has been paid. She requested that the Board issues a Board order to correct by August 9, 2018 and if not in compliance that a continuing civil penalty commence.

**Mr. Noonan made a motion that the Board finds there is a violation, the violation continues and to allow until August 9, 2018 to come into compliance and if not in compliance a continuing civil penalty of \$50 per day shall commence on August 10, 2018. Mrs. Hillman seconded the motion and it passed unanimously.**

- u. **CASE #18-CE-8676 / 1453M**  
**VIOLATOR:** El Dorado Financial / dba Omni Financial  
**VIOLATION:** False alarm  
**VIOLATION ADDRESS:** 2300 5<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Repeat violation: \$100 civil penalty)**

Ms. Sanderson reported that this is a repeat violation. Service of the citation was provided by certified return receipt. She reported that the violation has been corrected and the civil penalty has not been paid. She reported that she was told that a check was mailed to the City on Monday. She requested that the Board issues a Board order to pay.

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

**6. OLD BUSINESS**

None

**7. ADMINISTRATIVE MATTERS**

None

**8. CLERK'S MATTERS**

None

**9. ATTORNEY'S MATTERS**

- A) **Ordinance of the City of Vero Beach, Florida amending the Code of the City of Vero Beach to add a new Section 2-57 in Chapter 2, Administration, to be entitled "Ex Parte Communications"; removing the presumption of prejudice from Ex Parte Communications with local public officials of the City by establishing a process to disclose Ex Parte Communications with such local public officials; providing for codification; providing for conflict and severability; providing for an effective date.**

Ms. Kira Honse, Assistant City Attorney, reported that the City Council passed an Ordinance related to ex parte communications. She said since this Board deals with penalties and the like, it is best that they continue to not go out and visit sites and that they wait for the evidence to be presented to them.

**10. CHAIRMAN'S MATTERS**

None

**11. MEMBER'S MATTERS**

Mrs. Hillman said the Code Officers are working hard and the Code Board keeps just letting the fines go and she has deep regret for doing this. She felt that people are ignoring the Code Officers and not paying the civil penalties. She felt the Board should enforce it and make sure people pay them.

**12. ADJOURNMENT**

Today's meeting adjourned at 2:33 p.m.

/sp