

CODE ENFORCEMENT BOARD MINUTES
Wednesday, August 12, 2020 – 2:00 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Kirk Noonan; Vice Chairman, Linda Hillman; Members: Eric Price, Christopher Bryant; Stephen McDonald, Richard Kennedy and Alternate Member #1, Ken Daige **Also Present:** Code Enforcement Officer, Melody Sanderson; 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 2:08 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 Ms. Melody Sanderson, Code Enforcement Officer.

3. PRELIMINARY MATTERS

A) Adoption of Minutes – July 8, 2020

Mr. McDonald made a motion to adopt the minutes of the July 8, 2020 Code Enforcement Board meeting. Mrs. Hillman seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Ms. Melody Sanderson, Code Enforcement Officer, who has been sworn in, pulled from today's agenda, Case #20-CE-10628 – Robert Dechellis, Case #20-CE-10951 – Indian River Sports Complex – Derek Muller, and Case #20-CE-10862 – Maureen Schlitt.

Mr. Noonan made a motion to adopt the agenda as amended. Mrs. Hillman 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 #20-CE-10759 / 2924M**
VIOLATOR: Dolphin Property Holding, LLC / Michael Buza, Agent
VIOLATION: Oak Tree removed without a permit / Code Section 72.44 (a)
VIOLATION ADDRESS: 2450 Cortez Avenue, Vero Beach, Florida 32960
(Request to find property in compliance and to cease continuing civil penalties – Initial civil penalty of \$50 has been paid)

Ms. Sanderson reported that this case previously came before the Board and the Board issued a Board order to come into compliance or continuing civil penalties would commence. She asked that the Board find the property in compliance and to waive the continuing penalties.

Mr. McDonald made a motion that the Board finds the property is in compliance and to waive all continuing civil penalties. Mr. Noonan seconded the motion and it passed unanimously.

- b. CASE #20-CE-10628 / 2280M**
VIOLATOR: Robert Dechellis
VIOLATION: Failure to obtain stormwater management plan for dirt added to the property / Code Section 64.05
VIOLATION ADDRESS: 525 Banyan Road, Vero Beach, Florida 32963
(Case rescheduled from the July 8, 2020 CEB Hearing – Failure to comply; Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

- c. CASE #20-CE-10747 / 2921M**
VIOLATOR: John David Moore
VIOLATION: After-the-Fact Code Compliance Certification must be obtained from the City of Vero Beach Planning and Development Department for the fence, brick pavers, and shed; building permits must be obtained from the Indian River County Building Department for fence, windows, shed, and ductless air-conditioning unit – Code Sections 64.05 (a)(b)(7)(9)(a)(b)
VIOLATION ADDRESS: 2430 16th Avenue, Vero Beach, Florida 32960
(Failure to comply)

Ms. Sanderson reported that this case previously came before the Board and the Board allowed 60-days to come into compliance. She said the violation has not been corrected and the civil penalty has been paid. She asked that the Board finds there is a violation, the violation continues, the civil penalty has been paid, and that the Board issues a Board order

to correct the violation within 10-days of today's hearing (August 22, 2020) and if not in compliance continuing civil penalties shall commence beginning on April 30, 2020.

Mr. Noonan made a motion that the Board finds there is a violation, the violation continues, the civil penalty has been paid, and that the Board issues a Board order to come into compliance within 10-days of today's hearing (August 22, 2020) or continuing civil penalties will commence on April 30, 2020. Mr. McDonald seconded the motion and it passed unanimously.

Mr. John Turner, City Attorney, asked what was the initial civil penalty.

Ms. Sanderson said the initial civil penalty was \$100.

Mr. Noonan added to his motion to include the amount of the continuing penalties at \$100 per day. Mr. McDonald seconded the motion and it passed unanimously.

- d. **CASE #19-CE-10548 / 2236M**
VIOLATOR: James R. Lewis
VIOLATION: After-the-fact Code Compliance Certification and building permit required for the vinyl fence – Code Section 64.05 (9)(b)
VIOLATION ADDRESS: 5 Aero Lane, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50 civil penalty)

Ms. Sanderson reported that the citation was issued on December 17, 2019, and service was by posting of the property. She asked that the Board finds that the property is not in compliance, the civil penalty has not paid, that they allow 30-days to correct (September 11, 2020) the violation or continuing civil penalties of \$50 shall commence on December 31, 2019.

Mr. Price asked is this a recent fence or an existing fence.

Ms. Sanderson said it is an existing fence.

Mr. Daige asked was the tenant notified of this in writing that he was in violation and that there was going to be a fine.

Ms. Sanderson said the tenant lives out of State and has different tenants who can sublease the trailer so the notice was posted on the property. She said at one (1) point the property owner reached out to her and she tried to work with him because he told her that he could not return to the area because of the Coronavirus. She reported that she sent him the Code compliance paperwork to complete and then she did not have any further contact.

Mr. McDonald made a motion that the Board finds the property is not in compliance, the civil penalty has not been paid and that the Board allows 30-days from today's hearing (September 11, 2020) to come into compliance and if not in compliance continuing civil penalties of \$50 per day shall commence on December 31, 2019. Mr. Daige seconded the motion and it passed unanimously.

- e. **CASE #20-CE-10826 / 2945M**
VIOLATOR: P. Scott McCracken
VIOLATION: Change in work on structure subsequent to the issuance of certificate of appropriateness without review by the Planning and Development Director / Double windows on south side have been framed for three windows- Code Section 73.38
VIOLATION ADDRESS: 2716 Laurel Drive, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50 civil penalty)

Ms. Sanderson explained that in order to restore or work on properties that have been designated historic it is required that the property owners obtain a Certificate of Appropriateness through the Planning and Development Department. She reported that Mr. Scott McCracken, property owner, was issued a warning citation on May 28, 2020, for a change in the work on the structure subsequent to the issuance of the Certificate of Appropriateness without review by the Planning and Development Director. A citation was issued on July 14, 2020, with service of the citation by property posting. The violation has not been corrected and the civil penalty has not been paid. She asked that the Board finds there is a violation, the violation continues, the civil penalty of \$50 has not been paid and that the Board issues a Board order to correct the violation within 10-days of today's hearing (August 22, 2020) and if not in compliance continuing civil penalties shall commence on July 28, 2020.

Mrs. Hillman said Mr. McCracken is a repeat offender. She asked is there anything the City can do to stop him from getting a license until all the penalties have been paid and the violations are corrected.

Mr. Turner said the City does not have an Ordinance at this point, however he has discussed with staff the possibility of proposing an Ordinance that would address this type of issue where Code Enforcement violations would have to be taken care of before they would be issued any permits.

Mrs. Hillman said that her husband is a carpenter and has to renew his license with the City every year. She asked why doesn't the City reject Mr. McCracken's license until he pays all his fines.

Ms. Sanderson said there are people who have outstanding fines for not obtaining their Business Tax Receipt, but that would not stop Mr. McCracken from continuing to work.

Mr. Price asked what designates this property as historic.

Ms. Sanderson explained that it goes through the State to designate the house as historic, which maintains the integrity of the home so any work done on the home has to maintain the initial integrity of the date and time the structure was created.

Mr. Kennedy said there is some tax benefit associated with it. He said the City could advise the State that there are outstanding matters with this property.

Ms. Sanderson felt that Mr. Turner's suggestion would be the best avenue to take.

Mr. Kennedy said that he would like to see that happen because this is affront to the Board.

Mr. Kennedy said there was a violation on a rental house on Ocean Drive that the Board assessed around \$400,000 in penalties. He said that he saw that this house is now for sale. He asked is there any possibility of collecting that money.

Mr. Turner said the previous owner of this property incurred substantial fines and penalties exceeding \$400,000. The house was sold and a substantial amount of funds were escrowed to cover any liens or fines. The case was appealed by the property owner to the Circuit Court and the Circuit Court found in favor and supported the Code Enforcement Board's determination of violations and imposition of liens and penalties. That has been upheld. He said to his knowledge, no appeal has been taken or a request for a rehearing has been filed. He said the City Council will be addressing correction of the amounts at their August 18, 2020 meeting.

Mr. McDonald made a motion that the Board finds the property is in violation, the civil penalty has not been paid, that the violation is and continues to be, and that the Board allow 10-days (August 22, 2020) from today's hearing to comply or continuing civil penalties of \$50 per day shall commence on July 28, 2020. Mr. Noonan seconded the motion and it passed unanimously.

- f. **CASE #20-CE-10951 / 2985M**
VIOLATOR: Indian River Sports Complex / Derek Mueller, tenant
VIOLATION: Wood fence installed onsite after a Stop Order was issued and without Code Compliance Certification or a building permit – Code Sections 64.05(a)(b)(7); 22-181; 22-106
VIOLATION ADDRESS: 2665 12th Avenue, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

- g. **CASE #20-CE-10862 / 2954M**
VIOLATOR: Maureen Schlitt
VIOLATION: School bus parked on front lawn – Code Section 74.82 (a)(d)
VIOLATION ADDRESS: 2040 Delmar Avenue, Vero Beach, Florida 32960
(Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

- h. **CASE #20-CE-10899 / 2973M**
VIOLATOR: The Village Spires Condominium Association, Inc. / AR Choice / Kelly Walsh

VIOLATION: Sea turtle lighting (Repeat Violation) – Section 46-109 (a)(1)(a)(b)(c)
VIOLATION ADDRESS: 3554 Ocean Drive, Vero Beach, Florida 32963
(Failure to comply; Failure to pay \$100 civil penalty)

Ms. Sanderson reported that service of the citation was provided by certified mail. The property is in compliance and the civil penalty remains unpaid. She asked that the Board finds there was a violation, the violation has been corrected and to issue a Board order to pay the \$100 civil penalty.

Mrs. Hillman made a motion that the Board finds the violation has been corrected and to issue an order to pay the \$100 civil penalty. Mr. Bryant 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 2:26 p.m.

/sp