

**CODE ENFORCEMENT BOARD MINUTES**  
**Wednesday, August 14, 2019 – 2:00 p.m.**  
**City Hall, Council Chambers, Vero Beach, Florida**

**PRESENT:** Chairman, Kirk Noonan; Vice Chairman, Eric Price; Members: Linda Hillman, Christopher Bryant and Richard Kennedy **Also Present:** City Attorney, John Turner; Code Enforcement Officer, Tom Ramsey; Code Enforcement Officer, Melody Sanderson; Indian River County Licensing Investigator, David Checchi and Deputy City Clerk, Sherri Philo

**Excused Absences:** Stephen McDonald and Frank Pizzichillo

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

**3. PRELIMINARY MATTERS**

**A) Adoption of Minutes – June 12, 2019**

**Mr. Kennedy made a motion to adopt the minutes of the June 12, 2019 Code Enforcement Board meeting. Mrs. Hillman seconded the motion and it passed unanimously.**

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

Mr. Tom Ramsey, Code Enforcement Officer, pulled Case #19-CE-9761 – Taxcerts, LLC from today's agenda. He reported that the property is in compliance and the civil penalty has been paid. He then pulled Case #19-CE-10065 – William Montgomery from today's agenda. He reported that the permit has been obtained and the citation has been rescinded. He then pulled Case #19-CE-10130 – Vero Insurance d/b/a Associated Business Insurance and Case #19-CE-10131 – Virtuous Women Boutique from today's agenda. He reported that they have obtained their Business Tax Receipts. He then pulled Case #19-CE-10132 – Vero Petroleum/Kabir Ahomed from today's agenda. He reported that they are out of business and cannot be found. He then pulled Case #19-CE-10135 – Standard and Robin Buskirk from today's agenda. He reported that the property is in compliance and the citation has been waived. He then pulled Case #19-CE-10127 – Mattress One from today's agenda. He reported that there was a problem with the payment in that the violator thinks that they paid and the City does not have record of payment so he is pulling this case at this time.

Ms. Melody Sanderson, Code Enforcement Officer, pulled Case #19-CE-9744 – Auto Exchange of Indian River, LLC from today's agenda. She reported that the property is in compliance and the civil penalty has been paid.

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

At this time, Mr. Noonan went to Case #19-CE-10035 - Annabel V. Robertson.

Mrs. Hillman felt that she should not be voting on this case in that Mrs. Robinson is a friend of hers.

Mr. John Turner, City Attorney, explained that if she is not able to render an impartial and un-bias result or verdict or if she is going to recognize or realize some gain as a result of this then he would encourage her not to ask to be recused since they do need her discussion and consideration. He said if she can look Mrs. Robinson in the face the next day with her decision that was not in the violator's favor then he would encourage her not to recuse herself.

Mrs. Hillman said that she would be working with Mrs. Robinson at the UP Center in Vero Beach so she would rather not be a part of this discussion.

Mr. Turner questioned if she would be working with Mrs. Robinson in a business. He asked would she be a business partner.

Mrs. Hillman said she would not be a business partner, but she would be working for Mrs. Robinson.

Mr. Turner said in the abundance of caution that would be a basis for recusal and for Mrs. Hillman not to take part in the discussions on this case.

Mr. Turner noted for the record that they do have a quorum with the recusal of Mrs. Hillman.

At this time, the Deputy City Clerk performed the roll call.

Mr. David Checchi noted that the Board skipped item 4-A) on today's agenda.

At this time, the Board went back to item 4-A) on today's agenda.

#### **4. UNLICENSED CONTRACTORS/CITATIONS**

##### **A) CASE #19-CE-10137 / 0334**

**VIOLATOR:** James Frank Osteen, Jr.

**VIOLATION:** Unlicensed contracting; contracting advertisement violation; failure to apply for a permit - Code Sections 400.01 (1)(5); 22-86(a)(c); 400.02/22-106)

**VIOLATION ADDRESS:** 601 Flamevine Lane, Vero Beach, Florida 32963

Mr. David Checchi, Indian River County Licensing Investigator, reported that this case is before the Board to request a Board order to pay the unpaid citation. He reported that the violator, Mr. James Osteen, Jr., was issued a citation in the amount of \$1,500.00 for unlicensed contracting, a contracting advertisement violation, and failure to apply for a permit. As of today, the citation remains unpaid and no contact has been made to the

Building Department by the violator. He reported that Mr. Osteen's State License was delinquent and had an expired status at the time the air-conditioning system was installed. Service of the citation was by certified mail, which was returned unclaimed. Service of the citation was continued by first class mail with a signed affidavit that is on file in the City Clerk's office. He asked that the Board issues a Board order to pay.

**Mr. Noonan made a motion that the Board finds there is a violation of the Codes as cited by Mr. Checchi and that the Board issues a Board order to uphold the citation and to pay. Mrs. Hillman seconded the motion and it passed unanimously.**

## **5. EVIDENTIARY HEARINGS**

### **A) Citation Appeals**

#### **1. CASE #19-CE-10035 / 0338**

**VIOLATOR:** Annabel V. Robertson

**VIOLATION:** Licensed contractor or owner builder hiring unlicensed contractor; failure to apply for a permit – Code Sections 400.01(6)/22-86(f); 400.02/22-106

**VIOLATION ADDRESS:** 2461 18<sup>th</sup> Avenue, Vero Beach, Florida 32960

Mr. Checchi reported that this case is being heard as an appeal of the citation and the violator, Mrs. Annabel Robertson is present for today's meeting. He reported that the County staff received a complaint through the City of Vero Beach Code Enforcement of interior demolition and alteration on May 9, 2019. He reported that County staff responded to the complaint on May 13, 2019 and observed a worker retrieving items from an unmarked trailer. The worker identified himself as Frank Loya, Jr. who stated that he did not have a contractor's license, but he was hired by the homeowner. Mr. Checchi reported that the County's database confirmed that Mr. Loya was not licensed and in fact was issued a citation by the Indian River County Building Department on July 5, 2015, for unlicensed contracting. He then showed on the doc cam photographs of the trailer and the work that was being done inside (on file in the City Clerk's office). He reported that Mr. Loya was issued a Stop Work Order for the job, as well as a citation for unlicensed contracting and building alterations without a permit. Mr. Checchi noted that the citation was paid on May 17, 2019. He reported that while on site Mr. Loya contacted the property owner, Mrs. Annabel Robinson, and advised her that he was unable to finish the work because of his lack of a valid license. Mr. Checchi said that he gave Mr. Loya his business card advising him to have the homeowner contact him. He reported that no contact had been made from the homeowner until they received the request to appeal. He reported that he spoke with Mrs. Robinson for the first time just prior to today's meeting being called to order and learned of the circumstances of this case. He explained at the time the citation was issued he did not know what the extent was of Mr. Loya being hired and why he was hired. He reported that the reason Mrs. Robinson was issued a citation was because staff began issuing citations in 2017 for cases where a homeowner knowingly or willingly hires an unlicensed contractor to perform construction related work. Therefore, a \$500 citation was issued to the homeowner for hiring an unlicensed contractor and failure to apply for a permit. He reported that Mrs. Robertson applied for a building permit that same day that she received the citation. He reported that Mrs. Robinson informed him today that there was not a contract agreement, that Mr. Loya was referred to her by a friend and she had no idea Mr. Loya was an unlicensed

contractor. He said if there is evidence of fraud that would have changed the County's citation to Mr. Loya. He said that he would yield to the Board as to how they want to proceed after they hear Mrs. Robertson's testimony.

Mrs. Annabell Robertson said that she did not know that Mr. Loya was not a licensed contractor. She stated that she hired him as a handy-man to help her do some demolition. She reported that when she received the Stop Work Order she went directly to the Building Department, which is all she thought she needed to do. She said that she did not know that she needed to contact Mr. Checchi.

Mr. Bryant asked what type of demolition was being done and what did she do to the interior and exterior of the home.

Mrs. Robertson reported that they replaced the siding on the outside of the home, they replaced the tile and cabinets in the kitchen and bathroom, and they replaced the toilet.

Mr. Bryant said that she would have had to get a permit for plumbing and electrical work.

Mrs. Robertson said that she received a permit that day. She said that she was given a list of all the inspections that needed to be done, which has been completed. She said the final inspection has not been done because they have not completed tiling the bathroom. She said that she thought she followed along with the due process. She did not know that she needed to contact Mr. Checchi.

Mr. Bryant asked if she is contesting the \$500 fine.

Mrs. Robertson answered yes.

Mr. Checchi said that he would not object to rescinding the fine based on Mrs. Robertson's testimony.

Mr. Bryant felt the citation should be rescinded as recommended by Mr. Checchi.

**Mr. Kennedy made that in the form of a motion (that the citation be rescinded). Mr. Price seconded the motion and it passed 4-0 with Mr. Kennedy voting yes, Mr. Bryant yes, Mr. Price yes and Mr. Noonan yes, Mrs. Hillman abstaining (Mrs. Hillman's voting conflict form is attached).**

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

### **1. Request for Board Order**

- a. CASE #19-CE-9650 / 1874M**  
**VIOLATOR:** US Bank Trust NA (TRS)  
**VIOLATION:** Water heater installed without a permit – Code Sections 22-181; 22-106  
**VIOLATION ADDRESS:** 2208 Buena Vista Boulevard, Vero Beach, Florida 32960  
**(Code Officer found in compliance on July 1, 2019. Continuing penalties from March 29, 2019 (the day**

**following the original compliance date of March 28, 2019) through June 30, 2019 (the day prior to finding property in compliance) = 94 days x \$50 per day. Initial civil penalty of \$50 remains unpaid, as well as enforcement costs and all costs due to the City.)**

Ms. Sanderson reported that this case is before the Board to find that the violation has been corrected as of July 1, 2019. She reported that the civil penalty has not been paid. She requested that the Board finds there was a violation, the violation has been corrected, and issues a Board order for the payment of the initial civil penalty, continuing penalties, and the cost of enforcement.

**Mr. Noonan made a motion that the Board finds there was a violation, the violation has been brought into compliance and that the Board issues a Board order to pay the original civil penalty, the continuing penalties, and the cost of enforcement (that the Board issues a Board order finding the property in compliance as of “March 28, 2019,” ceasing the continuing civil penalties, to pay the original civil penalty of \$50.00, the cost of enforcement, and the continuing penalties and costs). Mrs. Hillman seconded the motion and it passed unanimously.**

**b. CASE #19-CE-9097 / 1808T**

**VIOLATOR:** Vino Royal, LLC

**VIOLATION:** Dock constructed without approvals from the City of Vero Beach or permitting from the Indian River County Building Department – Code Section 22-106(a); 64.02(a)(1)

**VIOLATION ADDRESS:** 97 Royal Palm Pointe, Vero Beach, Florida 32960

Mr. Ramsey reported that this case is for violation of construction without a permit. He reported that the citation was issued for \$100.00, which has not been remitted nor have they received their permit. He explained that this case is an old case that was initially closed because there was some confusion on the permitting. He asked that the Board allow two (2) weeks to get the permitting or continuing civil penalties shall commence.

**Mr. Bryant made a motion that the Board goes with the advice of the Code Enforcement Officer (that the Board issues a Board order to comply in two (2) weeks or continuing civil penalties of \$100.00 a day shall commence and to pay). Mr. Kennedy seconded the motion and it passed unanimously.**

Mr. Turner asked when a motion is made that the Board incorporates in their motion the elements of if there is a violation to be found, if there is a fine, etc., so that it is clear on the record.

**c. CASE #19-CE-9744 / 1910M**

**VIOLATOR:** Auto Exchange of Indian River, LLC / Alecia Spencer, Agent

**VIOLATION:** Failure to maintain site plan – Code Section 64.11(e)

**VIOLATION ADDRESS:** 2410 US Highway 1, Vero Beach, Florida 32960

This item was pulled from today's agenda.

- d. **CASE #19-CE-9761 / 1801T**  
**VIOLATOR:** Taxcerts, LLC  
**VIOLATION:** Shed with electric placed without City of Vero Beach approval/Code Compliance or an Indian River County building permit – Code Sections 22-106(a)(b); 64.02  
**VIOLATION ADDRESS:** 1140 17<sup>th</sup> Place, Vero Beach, Florida 32960  
**(Paid \$100 civil penalty)**

This item was pulled from today's agenda.

- e. **CASE #19-CE-9820 / 1950M**  
**VIOLATOR:** RCB Equity Group, LLC / Michael Buza, Agent  
**VIOLATION:** Fence installed without Code Compliance Certification or building permit – Code Sections 64.04(a)(b)(7); 22-181; 22-106  
**VIOLATION ADDRESS:** 2345 17<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Paid \$50 civil penalty)**

Ms. Sanderson reported that service of the citation was provided by posting of the property. She reported that the civil penalty has been paid. The permit has not had any inspections or been finalized. She requested that the Board finds that there is a violation, the violation continues, that the civil penalty has been paid, and that the Board issues a Board order to come into compliance within 10 days by finalizing the permit or continuing penalties shall commence beginning on April 29, 2019.

Mr. Bryant questioned the permit.

Ms. Sanderson said they have a permit, but it has not been finalized. She explained that they were issued a citation to obtain a permit, which obtaining a permit means that it has to be finalized.

Mr. Bryant thought they had up to six (6) months or the permit would expire.

Ms. Sanderson said that is right, but they have not made any contact with her and they have not done anything based on the citation and the notice of hearing. Therefore, the Board would be granting the violator 10 days to finalize the permit and there would not be any consequences if they do it within the 10 days.

**Mr. Noonan made a motion that the Board finds there was a violation, the permit has not been finalized, the violation continues to this date, and that the Board issues a Board order to comply within 10 days or continuing penalties of \$50.00 a day will commence on April 29, 2019. Mrs. Hillman seconded the motion and it passed unanimously.**

- f. **CASE #19-CE-10056 / 2031M**  
**VIOLATOR:** Michael J. Riggs

**VIOLATION:** Special pickup required for debris left curbside  
– Code Section 66-12(3)(e)  
**VIOLATION ADDRESS:** 646 Wall Street, Vero Beach,  
Florida 32960  
**(Failure to pay \$50 civil penalty)**

Ms. Sanderson reported that service of the violation was provided by posting of the property. The violation has been corrected and the civil penalty has not been paid. She requested that the Board finds there was a violation, the violation has been corrected, and that the Board issues a Board order to pay the \$50.00 civil penalty.

**Mr. Price made a motion on Case #19-CE-1056, Mr. Michael J. Riggs, that the violation is in compliance, but does require payment of the \$50.00 civil penalty (that the Board issues a Board order to pay the \$50.00 civil penalty). Mr. Noonan seconded the motion and it passed unanimously.**

- g. CASE #19-CE-10065 / 1932T**  
**VIOLATOR:** William Montgomery and Theresa Myktyn  
**VIOLATION:** Electrical work completed within the City of Vero Beach without required Indian River County permits – Code Section 22-106(a)(b)  
**VIOLATION ADDRESS:** 1646 14<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Failure to pay \$100 civil penalty)**

This item was pulled from today's agenda.

- h. CASE #19-CE-10122 / 2063M**  
**VIOLATOR:** Airport Drive Station, Inc. / Jenan Hasan  
**VIOLATION:** Sign violation – Code Section 38.17(a)  
**VIOLATION ADDRESS:** 3365 Airport Drive, Vero Beach, Florida 32960  
**(Failure to pay \$50 civil penalty)**

Ms. Sanderson said that she meant to pull this case from today's agenda as they paid the civil penalty today.

- i. CASE #19-CE-10130 / 1977T**  
**VIOLATOR:** Vero Insurance d/b/a Associated Business Insurance  
**VIOLATION:** Failure to renew and maintain current Business Tax Receipt – Code Section 70-62(a)(1)  
**VIOLATION ADDRESS:** 3339 Cardinal Drive, Vero Beach, Florida 32963

This item was pulled from today's agenda.

- j. CASE #19-CE-10131 / 1978T**  
**VIOLATOR:** Virtuous Women Boutique

**VIOLATION:** Failure to renew and maintain current Business Tax Receipt - Code Section 70-62(a)(1)  
**VIOLATION ADDRESS:** 1951 Old Dixie Highway, Vero Beach, Florida 32960

This item was pulled from today's agenda.

- k. CASE #19-CE-10132 / 1979T**  
**VIOLATOR:** Vero Petroleum / Kabir Ahomed  
**VIOLATION:** Failure to renew and maintain current Business Tax Receipt - Code Section 70-62(a)(1)  
**VIOLATION ADDRESS:** 1615 US Highway 1, Vero Beach, Florida 32960

This item was pulled from today's agenda.

- l. CASE #19-CE-10135 / 1971T**  
**VIOLATOR:** Standard and Robin Buskirk  
**VIOLATION:** Basketball goal and backboard placed in the right-of-way – Code Section 71.03  
**VIOLATION ADDRESS:** 1766 40<sup>th</sup> Avenue, Vero Beach, Florida 32960  
**(Failure to pay \$50 civil penalty)**

This item was pulled from today's agenda.

- m. CASE #19-CE-10171 / 2081M**  
**VIOLATOR:** Rodney G. Son  
**VIOLATION:** Vehicle restrictions on private property – Code Sections 74-82(a)(b); 61.02; 61.06  
**VIOLATION ADDRESS:** 2020 Delmar Avenue, Vero Beach, Florida 32960

Ms. Sanderson reported that the property owner was cited for the violation of a camper being stored in a residential neighborhood and/or occupying the camper. Service of the citation was by posting of the property and by first class mail. 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 has not been paid, and that the Board issues a Board order to come into compliance within 10 days by removing the trailer and if not in compliance that a continuing civil commence on July 15, 2019.

**Mrs. Hillman made a motion to remove camper, to bring it into compliance, that the civil violation be paid, if not the fine will start on July 15, 2019 of continuing penalties of \$50.00 a day (that the Board issues a Board order finding there is a violation, the violation continues, to allow 10 days to come into compliance or a continuing civil penalty of \$50.00 per day shall commence on July 15, 2019, and to pay). Mr. Kennedy seconded the motion and it passed unanimously.**

- n. CASE #19-CE-10127 / 1976T**

**VIOLATOR:** Mattress One  
**VIOLATION:** Failure to renew and maintain current Business  
Tax Receipt - Code Section 70-62(a)(1)  
**VIOLATION ADDRESS:** 1601 US Highway 1, #102, Vero  
Beach, Florida 32960

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**

None

**10. CHAIRMAN'S MATTERS**

None

**11. MEMBER'S MATTERS**

None

**12. ADJOURNMENT**

Today's meeting adjourned at 2:34 p.m.

/sp