

CODE ENFORCEMENT BOARD MINUTES
Wednesday, October 14, 2020 – 2:00 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Vice Chairman, Linda Hillman; Members: Eric Price, Christopher Bryant, Stephen McDonald, Richard Kennedy, Frank Pizzichillo (via GoToMeeting) 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: Kirk Noonan

1. CALL TO ORDER

Today's meeting was called to order at 2:00 p.m.

2. PLEDGE OF ALLEGIENCE

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

The Deputy City Clerk swore in staff and the audience present for today's hearings en masse.

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

3. PRELIMINARY MATTERS

A) Adoption of Minutes – September 9, 2020

Mrs. Hillman made a motion to adopt the minutes of the September 9, 2020 Code Enforcement Board meeting. Mr. Price seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Ms. Melody Sanderson, Code Enforcement Officer, pulled Case #20-CE-11047 – Thomas A. Selenis, Jr., from today's agenda. She reported that he is paying the civil penalty as we speak. She then pulled Case #20-CE-11085 - Prosperity Homes and Properties, LLC, from today's agenda. She reported that the property is in compliance and the civil penalty has been paid. She then pulled Case #20-CE-11105 – Imelda Edendina Comacho Guerrero from today's agenda. She reported that the property is in compliance and the civil penalty has been paid.

Mrs. Hillman 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

None

B) Non-Compliance / Compliance Reports

1. Request for Board Order

a. CASE #20-CE-10641 / 2794M

VIOLATOR: Charles Fitz

VIOLATION: Public nuisance; unsafe structure / Code Section 38.31 (a)(b)(8)

VIOLATION ADDRESS: 766 Fiddlewood Road, Vero Beach, Florida 32963

(Status)

Ms. Sanderson reported that the prospective new owners of the property are present for today's hearing and Mr. Turner will address this.

Mr. John Turner, City Attorney, noted that this matter is a little unusual and asked for the Board's indulgence. He reported that this case involved a residence that suffered some damage to their roof due to a lightning strike, which resulted in the structure being determined to be unsafe. The owner of the property was cited for allowing this to exist and appeared before the Board and indicated that he was going to deed the property to the mortgage company in lieu of foreclosure action. He reported that this did occur, but no one corrected the violation. The Board had taken action on it and imposed a penalty and a lien was filed. He noted that the lien was filed prior to the deed in lieu of foreclosure. He reported that there are some parties who are interested in purchasing the property. Before they will acquire the interest necessary to reconstruct or tear the home down they need action by the Board. Therefore, he asked the Attorney for the prospective purchases to come before the Board and make a presentation as to what their intentions are. He noted that this Board has jurisdiction to reconsider their Order based on the circumstances as they determine is just and proper.

Mr. Samuel A. Block, Attorney, who has been sworn in, reported that his client is under a contract with the lender. He said the perpetrator is gone and the lender, Nationstar Mortgage, is located in Texas and has no intention of coming to Vero Beach. He said that he and his wife drove by the property over the weekend and he can understand why the people there are upset. Nationstar Mortgage took a deed in lieu of foreclosure and put the property up for sale and his clients have a contract dated September 5, 2020 and they are scheduled to close this Friday. He reported that his clients are Mr. John Langfit, whose family has been here for 65-years or more and Mr. Robert Dunlap, who is a Licensed Contractor. He reported that the solution for this has nothing to do with repairs. The house is going to be torn down. The idea when the contract was put together was to tear down the house and build a modern residence. He said they have been

dealing with this Texas Mortgage Company through their attorneys and their title company, which are located in Tampa, Florida. They don't have anyone in Vero Beach. He reported that they did come up with an agreement and it is their hope that the Board will work with them. He reported that the lender is concerned that the City is going to go after them so they requested a "hold harmless agreement" that the property owner is going to take the responsibility, which the property owners have agreed to give them. He also negotiated with the lender to pay the \$50 per day civil penalties through Friday, which comes to \$10,650. This will come from the closing and will be paid by the title company directly to the City. He reported that he has with him where Mr. Langfit and Mr. Dunlap have gone to the County to get a demolition permit, so they have started the process. He said the Health Department and the other departments will not do anything until they own the property. He said they are halfway through the process and they are requesting some time from the Board. After the closing and they go back to the County on Monday and give them a copy of the deed, their hope is that the County will work with them so they can get the permit to take the building down. He said they are ready to take the building down and can do it in a week. They are asking the Board that when they get the conveyance on Friday and the City receives the \$10,650 that the Board will waive or suspend the penalties of \$50 a day to November 5, 2020, as long as they do what they say they are going to do. The second thing he is requesting is an order stating that they are looking to the property and the new owners for the resolution, which would say to the lender that the City is not coming after them. He said that is really what they are asking for, that once they take the structure down and it has been inspected and approved by the City that they would release the lien.

Mr. Turner reported that the amount due, which includes all costs, is \$10,712 through today's date.

Mr. Block said that is the all the mortgage company will pay.

Mr. Turner said what Mr. Block and his clients are offering is at the closing on Friday, there will be a check cut to the City of Vero Beach for \$10,712 and at that time the City will have a release for this lien for filing.

Mr. Block said that is not what they are asking. They will leave the lien on the property until the structure is down and they receive approval of the action taken.

Mr. Turner said then they will get the money to the City on Friday and they are asking that the lien remains on the property until the residence is raised and not to impose on the property any additional penalties or fines.

Mr. Block said that is correct.

Mr. Turner added and then release the lien after the building is raised.

Mr. Block said that is correct.

Mr. Bryant agreed with Mr. Block on his presentation.

Mr. Daige asked Mr. Block if he could leave a copy of his presentation with the Clerk.

Mr. Block said that he was referring to his notes. He did not write anything down specifically. It was just an outline. He noted that he didn't have a problem with leaving it with the Clerk.

Mr. Price asked how can they leave a lien on the property even though they pay the \$10,000.

Mr. Turner explained that the basis for the lien is even though the Board accepts the money now, there will be a slight period of time where the money is not accessed. But, if they don't tear down the building or they don't receive approval for an extension then the lien will kick back in.

Mr. Price said so the City will not cash the check until the lien is ...

Mr. Bryant said no, they are going to cash the check right away.

Mr. Price said that he didn't understand why there would be a lien if the amount is paid.

Mr. Turner said they have to have title to the property right now.

Mr. Kennedy said the motion would be to suspend the ongoing fine so having agreed to a release of the lien using today's figure of \$10,712, after today there would not be a continuing fine.

Mr. Price said the worst case is that the property is not demolished in a reasonable amount of time then the lien stays.

Mr. Kennedy said they won't receive a release until the City receives the check.

Mr. Bryant added and the building is demolished.

Mr. Kennedy said first is receiving the check followed by raising the property.

Mr. Price questioned if the building is not knocked down what is the lien ...

Mr. Kennedy said it reverts back. The fines will be retroactive to today.

Mr. McDonald asked is November 5th enough time.

Mr. Daige recommend allowing an additional month because the Building Department is extremely busy.

Mrs. Hillman asked Ms. Sanderson if she had anything to add.

Ms. Sanderson thinks it is a great proposal. She said it will make the neighbors happy and when they notify her when the building is down she will do a follow-up inspection.

Mr. Kennedy made a motion that affective today, the Board will suspend the \$50 recurring fine, that they will issue a supplemental order looking to the new owner to at closing provide a check made payable to the City of Vero Beach in the amount of \$10,712 and upon receipt of the check the Board would agree to release the lien once the property is raised and we are notified and that the Board grants them their request to have, which he is recommending to December 5, 2020, to complete the raising of the property at which point we would release the lien to the new owner and we would agree to hold the lien owner harmless.

Mr. Block said that he needs to get that to the lender because they won't close unless they get something that the City states that they are not going to look to that lender in Texas.

Mr. Kennedy asked would a hold harmless clause take care of that for them.

Mr. Kennedy added to his motion that they provide the lender a hold harmless clause effective today providing that the City receives the check and that the property is raised and they are notified. Mr. McDonald seconded the motion and it passed unanimously.

Mr. Block said there will be a check for \$10,650 and the other ...

Mr. Turner said that he would call Mr. Block.

- b. CASE #20-CE-11065 / 2943M**
VIOLATOR: RSJW Holdings, LLC / Ryan Scarpa, Agent
VIOLATION: Illicit discharge of oil in a City storm drain / Code Section 73.45
VIOLATION ADDRESS: 2055 11th Avenue, Vero Beach, Florida 32960
(Failure to pay \$50 civil penalty)

Ms. Sanderson reported that she was told today that the violation was corrected this morning. She reported that the civil penalty has been paid and there are no enforcement costs. She said that she will verify that the violation has been corrected tomorrow. She asked that the Board issues a Board order to correct the violation within 15-days or continuing civil penalties shall commence on September 10, 2020.

Mr. Daige asked how much oil has been discharged into the storm drain.

Ms. Sanderson said that she does not know. She said according to the employee of the property management company, Reliable Septic was there today and they cleaned it out.

Mr. Pizzichillo asked was this referred to other bodies for contamination.

Ms. Sanderson reported that Environmental Health is aware of it.

Mr. Kennedy made a motion in Case #20-CE-11065 that the Board finds that the property owner be granted 15-days (October 29, 2020) to comply with the payment of the fine realizing that the violation has been corrected. He asked is that correct.

Ms. Sanderson said 15-days to correct the violation and that the civil penalty has been paid.

Mr. Kennedy said okay, that (to put Ms. Sanderson's words in the form of a motion). He asked Mr. Turner is that appropriate.

Mr. Turner answered yes.

The Deputy City Clerk questioned continuing penalties.

Ms. Sanderson said no.

Mr. Bryant seconded the motion and it passed unanimously.

- c. **CASE #20-CE-11066 / 2944M**
VIOLATOR: RSJW Holdings, LLC / Ryan Scarpa, Agent
VIOLATION: Public nuisances; Inoperable unlicensed motor vehicles on property; vehicles must have current tags or be removed from the property; rancid oil in fryer must be removed / Code Sections 38.31 (a)(b)(5); 38.32 (a)(1)
VIOLATION ADDRESS: 2050 11th Avenue, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50 civil penalty)

Ms. Sanderson asked that the Board allow 15-days to verify compliance or continuing civil penalties shall commence on September 10, 2020. There are no enforcement costs and the civil penalties have been paid.

Mrs. Hillman made a motion in Case #20-CE-11066 that the Board allows 15-days from today to come into compliance and to verify that the civil penalty has been paid and if not, continued penalties from September 10, 2020 (that the Board issues a Board order that the civil penalty has been paid and to allow 15-days until October 29, 2020 to come into compliance and if not in compliance continuing civil penalties shall commence on September 10, 2020). Mr. McDonald seconded the motion and it passed unanimously.

- d. **CASE #20-CE-11047 / 2935M**
VIOLATOR: Thomas A. Selenis, Jr.
VIOLATION: Failure to obtain Code Compliance Certification for new driveway and parking area / Code Sections 64.05 (10)(a)
VIOLATION ADDRESS: 712 Camelia Lane, Vero Beach, Florida 32963
(Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

- e. **CASE #20-CE-11023 / 2948M**
VIOLATOR: Cipriano Bustos
VIOLATION: Failure to obtain Code Compliance Certification or a building permit for the driveway, landscape, and materials encroaching on the right-of-way / Code Sections 64.05 (a)(b)(10)(a); 22.106; 22.11; 71.03 (a)
VIOLATION ADDRESS: 1130 29th Street, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50 civil penalty)

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 reported that the violators are present today and have started the process of coming into compliance. She reported that as soon as they received the citation they obtained their Code Compliance form from the City and have applied for their permit. She asked that the Board finds that there is a violation, the violation continues, the civil penalty has not been paid and issues a Board order to correct the violation within 90-days (January 11, 2021) and if not complied then continuing civil penalties shall commence beginning on September 15, 2020.

Mr. Turner asked do they want to speak.

A woman from the audience answered no. She said they are working on it and are waiting on their building permit.

Mrs. Hillman made a motion that the penalty has not been paid, the violation will continue after 90-days from today (January 11, 2021) then after 90 days from today the civil penalty will then commence from September 15, 2020 (that the Board issues a Board order that there is a violation and to allow 90-days until January 11, 2021 to come into compliance and if not in compliance continuing civil penalty shall commence on September 15, 2020 and to pay the initial civil penalty). Mr. Kennedy seconded the motion and it passed unanimously.

- f. **CASE #20-CE-11085 / 2946M**
VIOLATOR: Prosperity Homes and Properties, LLC
VIOLATION: Public nuisance; Weeds, grass, or undergrowth at a height of more than 12 inches / Code Sections 38.31 (a)(b)(1)
VIOLATION ADDRESS: 4403 Sunset Drive, Vero Beach, Florida 32963
(Failure to comply; Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

- g. **CASE #20-CE-11105 / 2953M**
VIOLATOR: Imelda Enedina Comacho Guerrero

VIOLATION: Public nuisance; Non-operable vehicle stored on front lawn / Code Sections 38.31 (a)(b); 38.21 (1)(a)

VIOLATION ADDRESS: 23 Bonanza Lane, Vero Beach, Florida 32960

(Failure to comply; Failure to pay \$50 civil penalty)

This item was pulled from today's agenda.

h. CASE #20-CE-11107 / 2952M

VIOLATOR: Yahaira Hernandez-Arriaga

VIOLATION: Trailer addition without Code Compliance certification from the City of Vero Beach Planning and Development Department or permits from the Indian River County Building Department / Code Sections 64.05; 22.181; 22.106

VIOLATION ADDRESS: 30 Aero Lane, Vero Beach, Florida 32960

(Failure to comply)

Ms. Sanderson reported that service of the citation was provided by posting of the property. The violation has not been corrected and the civil penalty has been paid. She reported that the violator is present for today's hearing and told her (Ms. Sanderson) that she spoke with an engineer who does not believe that the permitting process can be done. Ms. Sanderson said the problem is that there are additional dwelling units that are attached to the trailer and they cannot be used as such.

Mr. Kennedy asked is the property being used as a business or a residence.

Ms. Sanderson reported that it is a residence.

Ms. Yahaira Hernandez-Arriago, owner, who has been sworn in, said that she purchased this trailer two (2) years ago and this work was done prior to her purchasing it. She said that she spoke with a contractor and she cannot pay for permits, for an engineer, electrician, etc.

Mrs. Hillman asked are there photographs of the property.

At this time, Ms. Sanderson passed out to the Board a copy of three (3) photographs that were taken (on file in the City Clerk's office).

Mr. Pizzichillo asked did you do any of this work without the proper certification and permits.

Ms. Sanderson reported that Hernandez-Arriago stated that the addition was already on the trailer when she purchased it. Ms. Sanderson said the problem is that if she doesn't permit it, the dwelling units cannot be used.

Mr. Daige asked is the trailer divided up into individual units where you can have different families living in them.

Ms. Hernandez-Arriago answered no. She said the trailer came with two (2) extra rooms. She said that she went through Airport staff, who gave her their approval and then she purchased it.

Mr. Daige said that he understands what Ms. Hernandez-Arriago is saying about the cost to get this squared away. He said that he is in the construction business and the structure does not look safe.

Mr. Pizzichillo questioned if the Board could recommend a full inspection so that everyone occupying these spaces are totally safe. He said that he is concerned about safety and the living conditions of this property.

Mr. Daige asked Ms. Hernandez-Arriago who she purchased the trailer from.

Ms. Hernandez-Arriago said that she purchased the trailer from the owner and she went through Airport staff for the lot rent.

Mr. Pizzichillo asked when you occupied it, was there a need for a Certificate of Occupancy.

Ms. Hernandez-Arriago answered no.

Ms. Sanderson said it was existing when she purchased it.

Mr. Daige asked did you have a home inspection done prior to purchasing the property.

Ms. Hernandez-Arriago answered no.

Mr. Price said basically they are asking her to tear that down or get it corrected.

Mr. Bryant asked Ms. Sanderson what she was asking of the Board.

Ms. Sanderson said that she was leaving it up to the Board.

Mr. Bryant suggested that they give her one (1) year to see if she can obtain a permit. He said that she purchased the trailer as it is, so it isn't her fault. He said it should be the Airport's fault for allowing her to purchase it.

Mr. Turner explained that the City owns the lots and the people who own the trailers have to maintain them. They have to meet all the Code requirements. He explained that when someone purchases a trailer, they become a lessee of the City for the lot and they are supposed to go to a particular person at the Airport who is in charge of this and fill out an application, let them know who the new owner is, get an agreement, and normally that unit would be inspected or put on the books so that staff knows who is there.

Mr. Price said that he doesn't know if the Airport would inspect it.

Mr. Turner said if there was a question, Airport staff would call Code Enforcement.

Mr. Sanderson asked are the two (2) units currently occupied.

Ms. Hernandez-Arriago answered no.

Mr. Pizzichillo asked is there any way the Board could put in a moratorium on any new residents until this is fully checked out.

Mr. Turner answered not unless it is condemned. He said unless there is some probable cause for an inspection, he wouldn't think that would be an option. He suggested that they work on one (1) thing at a time, which is the Code violation and that is that there are no permits issued for these improvements and how to best address it. He questioned do they give the violator some additional time and have this case recalled in a few months; have paperwork submitted as to her ability or actions in obtaining a contractor or trying to obtain these permits. That is what they need to address first.

Mr. Kennedy said she stated that she doesn't have the money.

Mr. Turner asked are you living there.

Ms. Hernandez-Arriago answered no.

Ms. Sanderson asked is there anyone living there.

Ms. Hernandez-Arriago answered no.

Mr. Daige asked what are your plans for the home.

Ms. Hernandez-Arriago said that she did live there, but currently she is taking care of her mother and is not living there. She reported that she still pays rent, etc. She said the problem is that if the Board gives her time to obtain a permit, she still has to pay for it and she also needs to get an engineer, an electrician, etc. She said that she does not know what work was done, who did the work, or if they knew what they were doing.

Mr. Daige felt the Board could give her at least six (6) or eight (8) months to pull together what she has to do and then she can make a decision from there. He said it might be too much money for her, but at least she will know. He said at the end of the day if it is not brought into compliance the addition will have to be torn down. He said the Board wants to try to help and give her time even if they, and it would be the Board's discretion, stretch it out to a year because it does cost a lot of money.

Mr. Pizzichillo felt that was too generous. He said they can always extend the time if there is some movement. He said that he does not want this prolonged. He said that as a Board they are always able to give an extension.

Mr. Kennedy questioned so what part of the home is livable and what part of it is in violation. He asked could she live in part of it and does she need all of the structure in order to live in it.

Ms. Hernandez-Arriago said the trailer is livable. She explained that what they are discussing is the two (2) extra rooms.

Mr. Daige said it is a fairly good size addition that has been tied to an older structure and when you start messing around with it there are going to be other repairs. He said working on manufactured homes is quite a challenge and you run into a lot of money. He said the Board needs to do something because they can't allow people to live there because it is an unsafe structure. He does not want to be hard core and not give her enough time for her to think about doing something. It is going to cost her money.

Mr. McDonald asked if the Board gave you more time, is there any way you can come up with the money.

Ms. Hernandez-Arriago said that she could come up with the money to tear it down. She said that she does not have another option.

Mr. Daige said that he could see giving her some time to figure out what she is going to do.

Mr. Kennedy added in the interim she could not live in it. He said the Board could give her 90-days with a possible extension, but she cannot live in it.

Mr. Turner suggested that the Board allow 90-days and have her come back before the Board to give an update.

Mr. Kennedy added and to suspend the fine.

Ms. Sanderson suggested that the Board allows 120-days for her to come up with a resolution, whether she is going to tear it down or go for an after the fact permitting with the caveat that the addition of the two (2) rooms cannot be occupied.

Mr. Pizzichillo said when the Board takes a vote, he is going to vote no based on the 120-days.

Mr. Kennedy made a motion that the Board grants Case #20-CE-11107 120-day extension to work with the Airport Authority and others that might have an interest in this property and then to report back to the Board in 120-days to determine what additional, if any action the Board will take. The motion is for a continuance with no penalty accruing for 120-days at which point the Board will take another look at it. Mr. Daige seconded the motion and it passed 6-1 with Mr. Daige voting yes, Mr. Kennedy yes, Mr. McDonald yes, Mr. Pizzichillo no, Mr. Bryant yes, Mr. Price yes and Mrs. Hillman yes.

Mrs. Hillman explained that the Board is allowing her an additional 120-days and then she will need to come back before the Board and give them a report, which will be at their February 10, 2021, meeting.

Ms. Hernandez-Arriago asked is the trailer livable.

Mr. Kennedy explained that she can live in the trailer portion, but not in the addition.

- i. **CASE #20-CE-11104 / 2950M**
VIOLATOR: Edelmiro Ledezma Lopez
VIOLATION: Carport built without Code Compliance certification from the City of Vero Beach Planning and Development Department or permits from the Indian River County Building Department / Code Section 64.05 (9)(b)
VIOLATION ADDRESS: 11 Lamplighter Lane, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50 civil penalty)

Ms. Sanderson reported that service of the citation was by property posting. The violation has not been corrected and the civil penalty has not been paid. She reported that Mr. Edelmiro Ledezma Lopez is listed as the tenant of the trailer, but the home is actually occupied by Ms. Fabiola Hernandez and yesterday she dropped off her paperwork for a Code Compliance Certificate. Once that is approved, she will apply for the building permit. Ms. Sanderson asked that the Board allows 90-days to correct or civil penalties shall commence on September 25, 2020.

Mr. Kennedy made a motion that the Board grants her 90-days and that they hold in abeyance any fines until the permit is issued, and that they are advised by the Code Enforcement office that she is in compliance. Mr. Pizzichillo seconded the motion and it passed unanimously.

- j. **CASE #20-CE-11123 / 2955M**
VIOLATOR: P. Scott McCracken
VIOLATION: Special pickup required for debris left curbside / Code Section 66.12 (3)(3)
VIOLATION ADDRESS: 2312 Vero Beach Avenue, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50 civil penalty)

Ms. Sanderson reported that service of the citation was by posting of the property and by first class mail. The violation was corrected on October 7, 2020, and the civil penalty has not been paid. She asked that the Board issues a Board order that there was a violation, the violation has been corrected and to pay the initial civil penalty \$50 and enforcement costs of \$34.61.

Mrs. Hillman made a motion that the violation has now been corrected and the civil penalty has not been paid and that the Board issues a Board order to pay the civil penalty plus \$34.61 in enforcement costs (that the Board issues a Board order finding there was a violation, the violation has been corrected, and to pay the initial civil penalty of \$50 along with the cost of enforcement of \$34.61).

Mr. Pizzichillo asked is he correct that when a person fails to pay, they don't have a continuing penalty. He said they could not pay for five (5) years and then pay just the initial penalty of \$50.

Mr. Turner explained that if it is just that they failed to pay the initial fine, there is no ongoing penalties. If there is a violation that has not been a corrected and they failed to pay the fine, that is when there is an ongoing penalty.

Mr. Pizzichillo said he (the violator) may never pay and the City will be out that \$50. He asked is that correct.

Mr. Turner answered yes.

Mr. Pizzichillo would hope that the City Council would look into that.

Mr. Turner said if you are going to enforce it, there are two (2) options. They can go with a collection agency or they can file a lien foreclosure action against non-homestead property. He would not recommend filing a foreclosure action for a total of \$84.61.

Mr. Kennedy said that he would almost recommend it in this case.

Mr. Pizzichillo said they have to do something.

Mr. Turner said that he knows the Board is frustrated, particularly with this individual. He said the City does have an Ordinance that states if a person owes money for liens, fines, or any obligations to the City, before they can get any additional permits for that property, they have to pay it off. It doesn't say they can't get a permit for other properties. He felt that they need to address that. He explained that if they could adopt a "clean hands ordinance," which would require people who owe the City money on specific matters, such as liens, fines, etc., before they can get a permit for any property they are working on in the City they would have to pay them.

Mr. Pizzichillo suggested that the Board draft a resolution with those provisos in it, vote on it, and send it to the City Council for their consideration.

Mr. Turner said that he didn't know if they need a resolution so much as if they could make a request of City Council that the City Attorney's office explore and research on submitting an ordinance that would fit their needs to attempt to collect from chronic and repeat offenders.

Mr. Pizzichillo said that is a great idea and if they need a motion to that affect he would make that motion right now.

Mrs. Hillman said currently there is a motion on the floor, which she thought needed a second.

Mr. McDonald seconded the motion and it passed unanimously.

Mr. Kennedy suggested that the City Attorney's office draft an ordinance for the Board's review at their next meeting.

Mr. Turner said that he will work on a draft ordinance, but he might not be able to get it before them at their next meeting.

The Board members agreed.

- k. CASE #20-CE-11076 / 2956M**
VIOLATOR: P. Scott McCracken
VIOLATION: Palm and Oak Trees removed without a permit / Code Sections 72.42; 72.44
VIOLATION ADDRESS: 2716 Laurel Drive, Vero Beach, Florida 32960
(Failure to comply; Failure to pay \$50 civil penalty)

Ms. Sanderson reported that service of the citation was by property posting 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 correct the violation within 15-days and if not in compliance continuing civil penalties shall commence on September 25, 2020, and to pay the enforcement cost of \$58.60.

Mr. McDonald made a motion that the violation has not been corrected, the civil penalty has not been paid, that the violation continues, that they allow 15-days to correct the violation or civil penalties shall commence effective September 25, 2020, and to pay the enforcement costs (that the Board issues a Board order finding that there is a violation, the violation continues, to allow 15-days to correct the violation or continuing penalties shall commence on September 25, 2020, and to pay the initial civil penalty of \$50 along with enforcement costs of \$58.60). Mr. Pizzichillo seconded the motion and it passed unanimously.

- l. CASE #20-CE-11086 / 2947M**
VIOLATOR: Lillian Schloss
VIOLATION: Public nuisance; Weeds, grass, or undergrowth at a height of more than 12 inches / Code Section 38.31 (a)(b)(1)
VIOLATION ADDRESS: 4407 Sunset Drive, Vero Beach, Florida 32963
(Failure to pay \$50 civil penalty)

Ms. Sanderson reported that service of the citation was provided by property posting and by first class mail. The violation has been corrected and the civil penalty has not been paid. She asked that the Board issue a Board order to pay the initial civil penalty of \$50.

Mrs. Hillman made a motion that the violation has been corrected, and that the Board issues a Board order to pay the initial civil penalty of \$50. Mr. Kennedy seconded the motion and it passed unanimously.

6. OLD BUSINESS

None

7. ADMINISTRATIVE MATTERS

None

8. CLERK'S MATTERS

A) Cancellation of November 11, 2020 Code Enforcement Board Meeting

Ms. Sherri Philo, Deputy City Clerk, reported that the November 11, 2020, meeting has been canceled due to the Holiday.

9. ATTORNEY'S MATTERS

Mr. Turner asked the Board if they would consider changing the time of their meetings from 2:00 p.m. to 1:30 p.m. The Board members agreed to change their meeting time from 2:00 p.m. to 1:30 p.m.

10. CHAIRMAN'S MATTERS

None

11. MEMBER'S MATTERS

None

12. ADJOURNMENT

Today's meeting adjourned at 3:15 p.m.

/sp